

रजिस्टर्ड नं० पी० १७



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

खण्ड 21]

शिमला, शनिवार, 23 जून, 1973/2 आषाढ़, 1895

[संख्या 25

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भाग 1—वैधानिक नियमों को छोड़ कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा अधिसूचनाएं इत्यादि

हिमाचल प्रदेश सरकार

PERSONNEL (A) DEPARTMENT

NOTIFICATIONS

Simla-2, the 30th March, 1973

No. 8-132/71-Apptt. (DP).—The Governor, Himachal Pradesh is pleased to order that ten per cent of the posts of the authorised sanctioned strength of the Himachal Pradesh Police Service shall carry pay scale in the Selection Grade (Rs. 1250 fixed) (i.e. Grade I of H.P.P.S.) posts, with effect from the 1st February, 1968.

2. The Governor, is further pleased to order that while calculating ten per cent of the authorised sanctioned strength of the Himachal Pradesh Police Service Cadre, fraction, if any, less than one-half shall be ignored and a fraction of one-half or more shall be rounded upto one.

3. This issues with the concurrence of the Finance Department vide their U.O. No. 884, dated 27-3-1973.

A. K. GOSWAMI,
Joint Secretary.

Simla-2, the 31st May, 1973

No. 7-1/71-DP(Apptt.). In modification of this Department's notification No. 7-1-71-DP (Apptt), dated the 12th May, 1972, determining strength and commission of H. P. Higher Judicial Service and sanctioning special pay to certain posts, the Governor, H. P. is pleased to sanction with effect from 1st November, 1972, special pay to the following posts included in H. P. Higher Judicial Service at the rates noted against each:—

Designation of Post	Amount of Spl. Pay
(i) Legal Remembrancer and Secretary (Law).	Rs. 200/-
(ii) Registrar, High Court.	Rs. 150/-

2. The expenditure involved will be debitable to the same head of account to which the pay and allowances of the officers concerned are debited.

3. This issues with the prior concurrence of Finance Department obtain vide their U.O. No. 977, dated, 28-3-73.

U. N. SHARMA,
Chief Secretary.

Simla-2, the 6th June, 1973

No. 3-54/71-Apptt.—The Governor, Himachal Pradesh is pleased to accord sanction to the grant of 22 days earned leave with effect from the 10th May, 1973 to the 31st May, 1973 in favour of Shri R. L. Mehta Sub-Divisional Officer (Civil), Jogindernagar, District Mandi, Himachal Pradesh, subject to verification of title to leave.

2. Certified that Shri R. L. Mehta would have continued to officiate against the post of S. D. O. (Civil), Jogindernagar but for his proceeding on leave referred to above.

3. Certified that Shri R. L. Mehta will return to duty to the station from where he proceeded on leave.

4. The Governor, Himachal Pradesh is further pleased to order that the Tehsildar, Jogindernagar, shall look after the routine duties of the Sub-Divisional Officer (Civil), Jogindernagar, during the period of his leave referred to above.

Simla-2, the 12th June, 1973

No. 3-76/71-Apptt.—The Governor, Himachal Pradesh is pleased to refuse 120 days' Leave Preparatory to retirement in favour of Shri Chain Ram Janartha, a Select list Officer of HPAS, presently posted as Sub-Divisional Magistrate, Ani, District Kulu in the exigencies of public service. This refused leave may be availed of by Shri Janartha with effect from 24th August, 1973 (F.N.).

2. The refusal of leave shall not entitle Shri Chain Ram Janartha automatic extension of service and as such during his leave he will not have any lien on his permanent post.

3. Certified that Shri Chain Ram Janartha would have continued to officiate against duty post of H.P.A.S. but for his proceeding on leave preparatory to retirement.

Simla-2, the 12th June, 1973

No. 1-9/71-Apptt.—Consequent upon the retirement of Shri Sohan Lal, a member of Himachal Pradesh Administrative Service presently posted as Collector Forests, Dalhousie with effect from 14th June, 1973 (afternoon), the Governor, Himachal Pradesh is pleased to order that Sub-Divisional Magistrate, Dalhousie, District Chamba, shall hold the additional charge of the post of Collector Forests, Dalhousie (District Chamba) till further orders.

A. K. GOSWAMI,
Joint Secretary.

**AGRICULTURE AND HORTICULTURE
DEPARTMENT**

NOTIFICATION

Simla-2, the 24th February, 1973

No. 23-108/69-Agr. (Sectt.).—Whereas the Department of Horticulture was established vide Himachal Pradesh Government Gazette notification No. 16-128/69-Agr. (Sectt.), dated the 21st September, 1970.

And whereas, the officers borne on the common cadre of Plant Protection Officers/Subject Matter Specialists/Bee Keeping Development Officer etc., prior to re-organisation of the Department of Agriculture, having been asked to exercise their options for allocation as either to the Department of Agriculture or the Department of Horticulture vide memorandum No. 23-108/69-Agr. (Sectt.), dated the 11th August, 1972.

And whereas, the options received from the officers have been considered.

Now, therefore, the Governor, Himachal Pradesh is pleased to allocate the following officers of the common cadre of the Plant Protection Officers etc., to the departments concerned as under:—

Agriculture

Horticulture

1. Shri H.C. Sharma
1. Shri A.K. Dwivedi.
2. Shri Mahabir Singh
2. Vacant post of B.K.D.O., Kangra.
3. Shri D. C. Thakur

Sarvshri Mahabir Singh, D. C. Thakur and A. K. Dwivedi will continue to work in the present post as stated above.

Shri H. C. Sharma is posted as Subject Matter Specialist (Plant Protection), Kangra district at Palampur. He will continue to hold the additional charge of the post of Bee Keeping Development Officer, Kangra, until further orders.

A. PRASAD,
Deputy Secretary.

AGRICULTURE DEPARTMENT

NOTIFICATIONS

Simla-2, the 1st June, 1973

No. 16-42/71-Agr. Sectt.—The Governor, Himachal Pradesh is pleased to transfer the scheme on the Research on Sub-Tropical Fruits Dhaulakuan, District Sirmur to the Himachal Pradesh University under section 24 (d) of the Himachal Pradesh University Act, 1970 with effect from 11th June, 1973.

The Governor of Himachal Pradesh is further pleased to transfer that the entire area comprising of about 45 acres for Research except the area of land comprising of the following Blocks shall stand transferred to and vest in the Himachal Pradesh University. All the assets and liabilities of the aforesaid section shall also stand transferred to and vest in the Himachal Pradesh University except the buildings until further orders:—

Sl. No.	Name of the Block	Area
1.	Miscellaneous Citrus collection.	1.00 Acres
2.	Varietal collection of Litchi.	0.50 "
3.	Varietal collection of Loquat.	0.50 "
4.	Compact block of Srinagar Mandarin.	0.75 "
5.	Block of Almond.	0.20 "
6.	Varietal collection of Grape.	0.75 "
	Total..	3.70 "

3. All the staff employed in the aforesaid scheme will be transferred to the Horticulture Department and observed against vacant posts or reverted to their substantive posts, as none has opted for university service.

4. The University shall be paid the grant equal to the provision for this scheme in the State Budget for Plan as well as Non-Plan items of expenditure except the provision for the salaries of the staff only.

5. The University shall ensure that necessary utilization certificates in respect of grant-in-aid to the University are furnished at regular intervals.

6. The University shall ensure compliance of all general instructions issued by the State Planning Department from time to time in regard to the implementation of the schemes under the Five Year Plan.

7. The University shall make available to the Government such information as may be required from time to time.

8. The University shall depute an office as and when required in order to assist the Government on all matters relating to the University which come up before the various Committees of the House, i.e. Himachal Pradesh Vidhan Sabha.

9. This issues with the concurrence of the Finance Department obtained vide their U.O. No. 1493, dated 21-3-1973.

By order,
K. C. PANDEYA,
Secretary.

Simla-2, the 16th June, 1973

No. 23-27/71-Agr. (Sectt).—Shri Joginder Singh on his appointment as assistant Soil Conservation Officer, at Simla in the Department of Agriculture in the class II scale of Rs. 350-900 assumed the charge of the post on the 1st May, 1973 (F. N.)

NIHAL SINGH,
Under Secretary.

COMMUNITY DEVELOPMENT DEPARTMENT NOTIFICATIONS

Simla-4, the 24th February, 1973

No. 4-30/67-E-Dev.—The Governor, Himachal Pradesh is pleased to allow Shri Daulat Ram, Block Development Officer, to cross the efficiency bar at the stage of Rs. 590 thereby raising his pay to Rs. 620 per month in the pay scale of Rs. 350-25-500-30-590/30-800 with effect from the 3rd May, 1970.

Simla-4, the 26th February, 1973

No. 4-204/67-E-Dev.—The Governor, Himachal Pradesh is pleased to allow Shri Kranti Kumar, Block Development Officer, to cross the efficiency bar at the stage of Rs. 590 in the pay scale of Rs. 350-25-500-30-590/30-800 thereby raising his pay to Rs. 620 per month with effect from the 25th October, 1971.

GANGESH MISRA,
Secretary.

EDUCATION DEPARTMENT (TECHNICAL EDUCATION)

NOTIFICATION

Simla-2, the 31st May, 1973

No. 15-37/71. Edu. II.—In continuation of this Department notification of even number, dated the 12th March, 1973 read with the Corrigendum of the same number, dated the 28th March, 1973, the Governor, Himachal Pradesh, in consultation with the Himachal Pradesh Public Service Commission, is pleased to extend the period of *ad hoc* appointment of Shri B. R. Pandey, Head of Mechanical Engineering Department, as Principal, Government Polytechnic, Hamirpur, up to the 30th June, 1973 or till the post is filled in on regular basis in accordance with the Recruitment and Promotion Rules, whichever is earlier.

ANANG PAL,
Secretary.

FOREST DEPARTMENT NOTIFICATION

Simla-2, the 5th June, 1973

No. 7-2/72-SF.—Whereas it is considered necessary that portion of the protected forests specified in the notification shall be closed for a period of 15 years and that the rights of private persons in or over such portion shall be suspended during such period for the purpose of regeneration and artificial restocking in order to check erosion and whereas the remainder of such forests is sufficient and in a locality reasonably convenient, for the due exercise of the rights suspended in the portion, so closed and whereas it is further considered necessary to prohibit the doing of any or all of the acts mentioned in clause (c) of section 30 of the Indian Forest Act, 1927.

Now, therefore, in exercise of the powers conferred by section 30 of the Indian Forest Act, (XVI) of 1927, the Governor, Himachal Pradesh is pleased to declare that the portion of protected forests situated in Kunihar Forest Division as per schedule given

below, shall be closed for a period of 15 years from the date of this notification and that the rights of private persons in or over such portions shall remain suspended during the said period of 15 years and he is further pleased to prohibit from the date of this notification:—

- (i) quarrying and removal of stones,
- (ii) burning of lime and charcoal,
- (iii) breaking up or clearing of land for cultivation, building, herding cattle or any other purpose,
- (iv) grazing by all kinds of animals throughout the year;
- (v) lopping and cutting of trees and bushes throughout the year,
- (vi) cutting of grass throughout the year, and
- (vii) collection or subjection to any manufacturing process or removal of any forest produce in or over or from the portion so closed.

Note.—Grass cutting may be permitted free to right holders on permits on such terms and conditions as may be made and imposed at the discretion of the Divisional Forest Officer, Kunihar, Solan district, Himachal Pradesh.

Serial No.	District	Tehsil	Range	Name of Forest	Total area of Fts. ac.	Area to be closed	Kh. No.	Boundary
1	2	3	4	5	6	7	8	9
1.	Solan	Arki	Arki	Jeoli D.F.	343 ac.	293"	2,3,4, 6,7,8, 9,10, 11.	N. Ghanidal Fts & Res. S. Tunj forest E. Suawa Perjohrou & Sarog Vil. W. Barjail & Samoh cultivated land.
2.	-do-	-do-	-do-	Buela D.P.F.	102 ac.	96"	331/1,227	N. Vill. Saryanj & Pvt. land of V. Buela. S. Pvt. land of V. Buela. E. -do- W. Vill. Saryanj & Vill. Buela.
3.	-do-	-do-	-do-	Saryanj D.P.F.	417 ac. 3/6'	67"	627/464	N. D.P.F. Bari. S. Pvt. land of V. Saryanj. E. Vill. Buela. W. Vill. Dawari & Saryanj.
4.	-do-	-do-	-do-	Gariach U.F.	253 ac.	121"	43	N. Boundary of V. Badch. S. Malkint of V. Gariach. E. -do- W. Boundary of V. Bاده.

2	3	4	5	6	7	8	9
Solan	Arki	Arki	Ghanidal D.F.	367"	247"	2, 3, 4, 5	N. Ghand Forest. S. Jeofi Forest E. Re-zerin, Jhundla & Darog Vill. W. Dhawari & Vill. path.

By order,
P. K. MATTOO,
Secretary.

HOUSING DEPARTMENT

NOTIFICATIONS

Simla-2, the 13th June, 1973.

No. 8-3/73-Housing.—Whereas it appears to the Governor of Himachal Pradesh that the land is likely to be required to be taken by the Government at the public expense for a public purpose, namely for the establishment of Housing Colonies in and around Simla, in Tehsil & District Simla, it is hereby notified that land in the locality described below is likely to be required for the purpose aforesaid.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894, to all whom it may concern.

To exercise of the powers conferred by the aforesaid section, the Governor of Himachal Pradesh is further pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested, who has any objection to the acquisition of any land in the locality may, within thirty days of the publication of this notification, file an objection in writing before the Collector of Simla district.

District: SIMLA

Tehsil: SIMLA

Locality	Khasra No.	Approx. Area s/yds. s/ft.
1	2	3 4
i) Property known as	351	1158 0
Garden House near	361	167 6
Titla Hotel.	371/1	374 2
	371/2	78 3
	371/3	71 7
	371/4	56 6
	371/5	53 4
	371/6	1 6
	371/7	252 2
	371/8	252 7
	371	17398 2
ii) Premises known as:		
Long View. The	338/1	725 1
terrace consisting	338/2	4 0

1	2	3	4
of the property	338/3	1	3
sometimes known	338/4	2	0
as Long View near	338	2550	1
three benches at			
Jakhu Hill.			
b) Ridge wood. Bet-	341/1	392	1
ween Forest Lodge	341/2	54	6
& Ridge Wood	341/3	1	7
Palace.	341/4	71	1
	341	3688	5
c) Ridge. Property	343/1	80	2
known as Ridge	343/2	1	3
Wood Palace be-	343	3057	8
longing to the	339	403	2
Kuthiala of	342	704	2
Hoshiarpur.	340	152	6
	418	78249	5
Total..		1,10,004	8

Locality	Khasra No.	Area Big. Bis.
Premises known as	16	6 7
Sommerlied & Rose	15	6 19
Cottage near Chota		
Simla.		
Total..		13 6

By order,
M. S. MUKHERJEE,
Secretary.

HORTICULTURE DEPARTMENT

ADDENDUM

Simla-2, the 31st May, 1973

No.16-68/70-Agr.Sectt.—Addendum to Gazette notification of even number dated the 27th April, 1973 regarding confirmation of officers in the Horticulture Department.

The words "in consultation with the Himachal Pradesh Public Service Commission", be added after the word "the Governor, Himachal Pradesh", appearing in the said notification.

NOTIFICATION

Simla-2, the 2nd June, 1973

No. 16-1/71-Hort. Sectt.—The Governor, Himachal Pradesh on the advice of the Himachal Pradesh Public Service Commission obtained vide their letters No. 2-69/72-PSC, dated 15th March, 1973 and even number, dated 21st May, 1973 is pleased to order the continuance of the following officers on the class II posts of District Horticultural Officers/Horticultural Development Officers on *ad hoc* basis for a period upto 30th June, 1973 or till the posts are filled on regular basis in accordance with the Recruitment and Promotion Rules, whichever is earlier.

1. Shri P. D. Bhardwaj, District Horticulture Officer, Rajgarh.
2. Shri Sajjan Singh, District Horticulture Officer, Hamirpur.
3. Shri Dhan Raj Girath, District Horticulture Officer, Chamba.
4. Shri N. S. Gurang, Horticultural Development Officer, Naubahar, Simla.
5. Shri Dalip Singh, Horticultural Development Officer, Naubahar, Simla.
6. Shri Niranjana Singh, Horticultural Development Officer, Naubahar, Simla.
7. Shri N. L. Shah, District Horticultural Officer, Kinnaur.
8. Shri U. S. Thakur, Assistant Horticulturist, Dhaula Kuan.

NIHAL SINGH,
Under Secretary.

HEALTH AND FAMILY PLANNING DEPARTMENT

NOTIFICATIONS

Simla-2, the 30th May, 1973

No. 13-9/73-H&F.P.—In further supersession of notification No. 14-104/67-Med. II, dated the 7th July, 1969, the Governor of Himachal Pradesh is pleased to reconstitute the State Co-ordination Committee for Drinking Water Supply Schemes, and other public health works with a view to ensuring effective implementation of the Drinking Water Supply Sanitation Programme in rural and urban areas of the State, strictly in accordance with policies/decisions of the Co-ordination Committee in respect of all matters pertaining to these programmes, being re-constituted as under, with immediate effect:—

I. Constitution/Composition of the Co-ordination Committee for Drinking Water Supply/Sanitation Schemes, Himachal Pradesh, Simla:

- | | |
|---|-------------------|
| 1. Hon'ble Health Minister, Himachal Pradesh, | Chairman |
| 2. Hon'ble Minister of State for Health & Family Planning Himachal Pradesh | Vice-Chairman |
| 3. Secretary, Health and Family Planning to the Govt. of Himachal Pradesh. | Member |
| 4. Finance Secretary or his representative (Joint Secretary or Deputy Secretary Himachal Pradesh) | Member |
| 5. Secretary, P.W.D., Himachal Pradesh | Member |
| 6. Commissioner for Agricultural Production (In-charge Secretary Development Department) | Member |
| 7. Chief Engineer, P.W.D.-1, Himachal Pradesh | Member |
| 8. Chief Engineer, P.W.D.-II, Himachal Pradesh | Member |
| 9. Director of Health Services, Himachal Pradesh | Member-Secretary. |

Terms of reference

"Initiate/expedite Drinking Water Supply Schemes/ Sanitation Works in urban/rural areas of Himachal Pradesh.

The Committee will approve of all such schemes for rural and urban areas before they are executed and take such steps as may be necessary to ensure their expeditious execution; and it shall be the exclusive responsibility of Finance Department to check and ensure that only those new schemes are included in the budgets which have been approved by the Co-ordination Committee as embodied in its proceedings".

By order,
H. S. DUBEY,
Secretary.

Simla-2, the 5th June, 1973

No. 1-104/73-H&FP.—The Governor, Himachal Pradesh is pleased to appoint Dr. (Miss) Sulakshna Duggal, as Civil Assistant Surgeon Grade I in the scale of Rs. 350-25-500-30-590/30-830-35-900 on *ad hoc* basis for a period of one year from 27-3-73 (A.N.) or till post is filled up on regular basis, whichever is earlier.

Simla-2, the 5th June, 1973

No. 1-90/73-H&FP.—The Governor, Himachal Pradesh is pleased to appoint Dr. (Miss) Priya Devi as Civil Assistant Surgeon Grade I in the scale of Rs. 350-25-500-30-590/30-830-35-900 on *ad hoc* basis for a period of one year from 31-3-73 (F.N.) or till post is filled up on regular basis, whichever is earlier.

Simla-2, the 5th June, 1973

No. 1-105/73-H&FP.—The Governor, Himachal Pradesh is pleased to appoint Dr. (Miss) Vijay Sharma as Civil Assistant Surgeon Grade I in the scale of Rs. 350-25-500-30-590/30-830-35-900 on *ad hoc* basis for a period of one year from 31-3-73 (F.N.) or till post is filled up on regular basis, whichever is earlier.

B. D. SHARMA,
Deputy Secretary.

Simla-2, the 11th June, 1973

No. 1-69/72-H&FP.—The Governor, Himachal Pradesh is pleased to cancel the transfer of Dr. Jyoti Prasad, Chief Medical Officer from Kulu to Chamba ordered vide this Government notification of even number, dated 7-9-72.

By order,
H. S. DUBEY,
Secretary.

INDUSTRIES DEPARTMENT

NOTIFICATIONS

Simla-2, the 29th May, 1973

No. 3-13/72-SI (H8).—In accordance with para 4 of the Rules and Regulations of Himachal Pradesh Handicrafts Board (a society registered under the Societies Registration Act), the Governor of Hima-

Himachal Pradesh hereby appoints the following persons as members of the said Board, with immediate effect:—

- | | |
|---|-----------------------|
| 1. Smt. Satya Vati Dang, MP... | Chairman |
| 2. Shri Ranvir Singh, President, Bhutti Weavers Co-operative Ltd., Kulu. | Vice-Chairman |
| 3. Vaid Surat Singh, Chairman, Himachal Pradesh Khadi & Village Industries Board. | Member |
| 4. Registrar, Co-operative Societies, Himachal Pradesh. | -do- |
| 5. Inspector General of Prisons, Himachal Pradesh. | -do- |
| 6. Managing Director, Small Scale Industries Corporation. | -do- |
| 7. Chief Conservator of Forests, Himachal Pradesh. | -do- |
| 8. Finance Secretary to the Govt. of Himachal Pradesh. | -do- |
| 9. Director of Industries Himachal Pradesh. | Ex-officio Secretary. |

Simla-2, the 2nd June, 1973

No. 4-20/72-SI (NF) II.—In partial modification of this Department's notification of even number, dated the 8th March, 1973 regarding constitution of the Board of Directors of Nahan Foundry Ltd., Nahan, the Governor of Himachal Pradesh is pleased to order that the name of "Shri Lal Chand Prarthi" may be substituted in place of "Dr. Salig Ram" appearing at Sl. No. 2 therein.

Simla-2, the 6th June, 1973

No. 8-14/72-SI (PW).—In supersession of this Department's notification of even number, dated the 8th February, 1973, and in exercise of the powers conferred by sub-section (1) of section 3 of the Paraffin Wax (Supply, Distribution and Price Fixation) Order, 1972, the Governor of Himachal Pradesh is pleased to fix the selling price of paraffin wax in Himachal Pradesh by M/s Himachal Pradesh Small Industries and Export Corporation Ltd., Simla (Sole Distributors), as under:—

1. For Grade 140/45

- Rs. 2,110 per ton (Rupees two thousand, one hundred and ten only) ex-corporation's godown at Dharampur.
- Rs. 2,180 per ton (Rupees two thousand one hundred and eighty only) ex-corporation's godown at Kangra.

2. For Grade 135/40

- Rs. 2071 per ton (Rupees two thousands and seventy-one only) ex-corporation's godown at Dharampur.
- Rs. 2141 per ton (Rupees two thousand one hundred and forty-one only) ex-corporation's godown at Kangra.

Simla-2, the 6th June, 1973

No. 8-19/72-SI.—In exercise of the powers vested in him under sub-section 1(a) of section 5 of the Minimum Wages Act, 1948, the Governor of Himachal Pradesh is pleased to appoint Shri Piru Ram, ex-M.L.A., as employees representative on the Committee constituted vide this Department's notification of even number, dated the 12th January, 1973, regarding the revision of minimum rates of wages in the employment in Public Motor Transport, with immediate effect.

By order,
P. K. MATTOO,
Secretary.

MULTIPURPOSE PROJECTS AND POWER DEPARTMENT

NOTIFICATION

Simla-2, the 8th June, 1973

No. 2-13/72-M.P.P. (Sectt.).—Whereas it appears to the Governor, Himachal Pradesh that land is likely to be required to be taken by the Baira-Siul Hydel Project Government of India, at public expense for public purpose, it is hereby notified that land in the locality described below is likely to be acquired for the above purpose.

2. This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

3. In exercise of the powers conferred by the aforesaid section the Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

4. Any person interested, who has any objection to the acquisition of the said land in the locality may, within thirty days of the publication of this notification, file an objection in writing before the Collector of Land Acquisition, Baira-Siul Hydel Project, Chamba.

SPECIFICATION

District: CHAMBA

Tehsil: CHURAH

Village	Khasra No.	Area	
		Big.	Bis.
SHANTEWA 444 (CHILLI).	154	0	12
	904/695	2	0
	155	0	12
	156	0	4
	158	0	6
	159 min	0	15
	149	0	3
	150	0	14
	152	1	7
	153	0	10
	Total	7	3

By order,
L. HIMINGLIANA TOCHHAWNG,
Secretary.

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PUBLIC WORKS DEPARTMENT
NOTIFICATIONS

Simla-2, the 24th October, 1972

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No. 2-35/70-PWD.—Whereas it appears to the Governor, Himachal Pradesh that land is likely to be taken by the Himachal Pradesh Government at the public expense for a public purpose, namely for the construction of road Police Barrier to Tuti-Kandi, it is hereby notified that land in the locality described below is likely to be acquired for the above purpose.

This notification is made under the provision of section 4 of the Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by the afore-said section, the Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested, who has any objection to the acquisition of the said land in the locality may, within thirty days of the publication of this notification, file an objection in writing before the Collector, Land Acquisition, U. S. Club, Simla-I.

SPECIFICATION

District: SIMLA

Tehsil: SIMLA

Village	Khasra No.	Area Big. Bis.
DHAR	14	0 6
	21	0 4
	22	0 8
	23	0 2
	502/27/1	0 5
	504/27	0 4
	503/27	0 4
	505/27	0 2
	24	0 2
	26	0 6
	357	4 0
	362	0 8
	374	5 0
	375	0 3
	368	5 0
	395	10 0
	369	2 0
	397	1 0
	376	2 0
	361	10 0
	363	10 0
	366	2 0
	352	0 10
	354	0 10
	355	0 0
	356	0 1
	377	0 10
	365	15 0
	395/1	0 7
	10	0 9
	364	0 1
Total		71 2

Simla-2, the 4th June, 1973

No. 2-34/70-PWD.—Whereas it appears to the Governor, Himachal Pradesh that the land is required to be taken by the Government at public expense for a public purpose, namely for construction of Simla-Kunihar-Ramshahar-Nalagarh-Himachal Pradesh Boundary road, it is hereby declared that the land described in the specification below is required for the above purpose.

2. The declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provisions of section 7 of the said Act, the Collector, Land Acquisition, Himachal Pradesh P.W.D. is hereby directed to take order for the acquisition of the said land.

3. A plan of the land may be inspected in the office of the Collector, Land Acquisition, Himachal Pradesh P.W.D., Solan.

SPECIFICATION

District: SIMLA

Tehsil: NALAGARH

Village	Khasra No.	Area Big. Bis.
CHIYAR	2/1	0 7
	4/1	0 1
	350/51	0 12
	351/51	0 13
	142/1	0 4
	362/161/1	0 3
	363/192/1	0 2
	365/194/1	0 1
	366/194/1	0 4
	367/202/1	0 1
	378/322/1	0 1
	326/1	0 1
	5/1	0 6
	40/1	0 7
	50/1	1 1
	52/1	0 2
	56	0 3
	168/1	0 1
	171/1	0 19
	193/1	0 12
	203/1	1 0
	216/1	0 1
	310/1	0 2
	57	0 3
	144/1	0 5
	170	0 2
	318/1	0 1
	49	0 5
	60	0 9
	61	0 9
	62/1	0 1
	164	0 2
	165	0 6
	204/1	0 4
	204/2	0 3
	320	0 7
	41	0 6
	48	0 3
	53/1	0 1
	55	0 2
	59	0 5
	329/1	0 14
	330	0 7

2	3	4	2	3	4
331	0	2	287/1	0	7
218	0	12	289/1	0	1
317	0	8	295/1	0	1
321/1	0	8	294/1	0	8
325/1	0	2	295	0	2
332/1	0	14	296	0	2
42	0	3	308/1	1	8
316	0	13	417/1	0	2
217	0	4	419/1	0	2
47/2	0	1	121/1	0	5
47/1	0	3	441/1	0	19
59/1	0	4	442/1	0	2
327/1	0	10	442/2	0	18
319/1	0	8	753/1	0	1
58	0	3	593/1	0	9
328	0	4	349	0	1
47/1	0	1	355	0	2
221/1	0	6	358/1	0	1
1/1	0	9	358/2	0	2
169/1	0	3	397/1	0	7
214/1	0	5	408	0	4
219/1	0	19	315/1	0	8
344/1	0	10	418/1	0	2
220	0	4	286/1	0	1
166/1	0	2	288	0	10
Total	20	6	292/1	0	5
			297	0	2
			307/1	0	1
			304/1	2	10
			440/1	0	5
			96/1	0	4
			99	0	4
			110/1	0	6
			616/1	0	3
			100	0	14
			111/1	0	18
			95/1	0	2
			98	0	5
			Total	27	1

POUNDI

215/1	0	6
211/1	0	2
187/1	0	4
190/1	0	16
214/1	2	9
217/1	2	0
188/1	0	9
192	0	7
192/1	0	5
212/1	0	1
216/8	0	6
610/1	0	1
611/1	0	2
759/232/1	0	4
595/1	1	18
303/1	0	15
346/1	0	9
347/1	0	1
348/1	0	1
350	0	3
351/1	0	5
352/1	0	3
353/1	0	14
354	0	1
356	0	1
395	0	2
396/1	0	11
405/1	0	1
400/1	0	2
410/1	0	1
411/1	0	1
411/2	0	4
412/1	0	1
413	0	3
414/1	0	5
415/1	0	2
416/1	0	1

BADU

810/44/1	1	18
68/1	0	14
812/45/1	0	11
58	0	19
59/1	1	6
53/1	0	5
56/1	1	11
57/1	0	11
74/1	0	2
813/45/1	0	5
415/46/1	0	15
50/1	0	2
69/1	0	12
66/1	0	10
67/1	0	7
Total	10	8

By order,
H. S. DUBEY,
Secretary.

REVENUE DEPARTMENT

NOTIFICATIONS

Simla-2, the 8th June, 1973

No. 4-22/71-Rev. II.—Whereas it appears to the Governor, Himachal Pradesh that the land is required to be taken by the Government at public expense for a public purpose, namely for construction of Balancing Reservoir in Village Pung, Thesil Sundernagar, District Mandi, Himachal Pradesh, it is hereby declared that the land described in the specification below is required for the above purpose.

2. The declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provisions of section 7 of the said Act, the Land Acquisition Collector, B.S.L. Project, Mandi is hereby directed to take order for the acquisition for the said land.

3. A plan of the land may be inspected in the office of the Land Acquisition Collector, B.S.L. Project, Mandi, Himachal Pradesh.

SPECIFICATION

District: MANDI Tehsil: SUNDERNAGAR

Village	Khasra No.	Area Square Metres
PUNG	348	654.00
Total	..	654.00 Sq. Metres or 0.0654 Hect.

Simla-2, the 8th June, 1973

No. 4-20/73-Rev. Cell.—Whereas it appears to the Governor, Himachal Pradesh that land is likely to be required to be taken by the Himachal Pradesh Government at the public expense for a public purpose, namely for the PANDOH DAM RESERVOIR FROM R. L. 2900' TO R. L. 2950' IN VILLAGE KHAHRI, TEHSIL CHACHIOT, DISTRICT MANDI, Himachal Pradesh, it is hereby notified that land in the locality described below is likely to be acquired for the above purpose.

This notification is made under the provision of section 4 of Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by aforesaid section the Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen

to enter upon and survey any land in the locality and do all others acts required or permitted by that section.

Any person interested, who has any objection to the acquisition of the said land in the locality may, within thirty days of the publication of this notification, file an objection in writing before the Land Acquisition Collector, Beas Sutlej Link Project, Mandi, District Mandi, Himachal Pradesh.

SPECIFICATION

District: MANDI Tehsil: CHACHIOT

Village	Khasra No.	Big.	Area Bis. Bisw.
KHAHRI	13	0	1 12
Total	..	0	1 12

By order,
L. HMINGLIANA TOCHHAWNG,
Secretary.

TRANSPORT DEPARTMENT

NOTIFICATION

Simla-2, the 31st May, 1973

No. 4-8/69. Tpt.—In Continuation of this Department notification of even number, dated the 21st March, 1973, the Governor, Himachal Pradesh is further pleased to extend the period of submission of report of the High Powered Committee (Transport) to the Himachal Pradesh Government up to 30th June, 1973.

By order,
H. S. DUBEY,
Secretary.

WELFARE DEPARTMENT

NOTIFICATION

Simla-2, the 23rd May, 1973

No. 14-4/69-Wel-Sectt.—Continuation of this Department notification No. 118-14/57-Wel-SW, dated the 1st November, 1965.

The Governor of Himachal Pradesh is pleased to accord his approval for the extension of the term of the Himachal Pradesh Social Welfare Advisory Board with effect from the date of the issue of this notification till further orders.

PRAKASH CHAND,
Secretary.

भाग 2—वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं
इत्यादि

कार्यालय जिलाधीश, शिमला
अधिसूचना
शिमला, 31 मई, 1973

सं० 3278-99.—हिमाचल प्रदेश पंचायती राज अधिनियम की धारा 9 (1) तथा ग्राम पंचायत नियम 1971, (ए) 1 के अन्तर्गत संलग्न मारिणी के अनुसार पंचायतों ने स्त्री व हरिजन सदस्यों (पंचों) का सहविकल्प किया है। अतः मैं, बी० बी०

टण्डन, जिलाधीश शिमला, हिमाचल प्रदेश ग्राम पंचायत नियम 19(2) के अन्तर्गत सहविकल्पित पंचो (सदस्यों) के नाम सर्वसाधारण की सूचना के लिये प्रकाशित करता हूँ।

सहविकल्पित पंचों को अपने पद का कार्यभार सम्भालने से पूर्व हिमाचल प्रदेश पंचायत राज नियम 19(ए)(3) के अन्तर्गत प्रधान ग्राम पंचायत पंच पद की शपथ हिमाचल प्रदेश पंचायती राज अधिनियम की धारा 10(1) के अनुसार दिलायेगा।

सारिणी

क्रम संख्या	नाम तहसील	नाम ग्राम पंचायत	सहविकल्पित स्त्री पंच का नाम व पता	सहविकल्पित अनुसूचित पंच का नाम व पता
1	2	3	4	5
1	चौपाल	चौपाल	श्रीमती नर्वदा वर्मा, ग्राम मझोटली, डाकखाना चौपाल,	
		2 किरन	श्रीमती दीपू पत्नी श्री सन्तराम, ग्राम थगाड़ डाकखाना मन्डोल।	श्री पनीया पुत्र जगता, ग्राम टेलर, डाकखाना मन्डोल।
		3 मधाना	श्रीमती शान्ता देवी, पत्नी श्री माठुराम, ग्राम करोली, डाकखाना थरोच।	
		4 मालत	श्रीमती उत्तम देवी, ग्राम तथा डाकखाना मालत।	
		5 भराणू	श्रीमती चुनी देवी, पत्नी श्री मोही राम, ग्राम भराणू, डाकखाना थरोच।	
		6 थरोच	श्रीमती मन्डी देवी पत्नी श्री शाउ राम, ग्राम तथा डाकखाना थरोच।	
		7 कुलग	श्रीमती गाभी देवी, पत्नी श्री टकरीया, ग्राम कुलग, डाकखाना चड़ोली।	श्री जमालू सुपुत्र देविया ग्राम कुलग, डाकखाना चड़ोली।
				श्री जमालू राम, ग्राम तथा डाकखाना चड़ोली।
		8 मझोली	श्रीमती धामटी देवी पत्नी श्री रामसा, ग्राम व डाकखाना चड़ोली।	श्री काहन राम सुपुत्र श्री बीरू राम, ग्राम मझोली, डाकखाना सरायें।
		9 सरायें	श्रीमती शकुन्तला देवी पत्नी श्री चुनी लाल, ग्राम व डाकखाना सरायें।	श्री ढोला राम पुत्र श्री माठू राम, ग्राम व डाकखाना सरायें।
		10 खादर	श्रीमती दुर्गा देवी सुपुत्री श्री छान्दू, ग्राम खादर, डाकखाना नकोड़ापुल।	श्री मोती राम पुत्र श्री रामसा, ग्राम खादर, डाकखाना नकोड़ापुल।
		11 माटल	श्रीमती गुलाबी देवी पत्नी श्री सुख राम, ग्राम जयाली, डाकखाना मड़ावग।	श्री रानू राम पुत्र श्री खाम्पा, ग्राम कियार, डाकखाना मड़ावग।
		12 बिगरावली (बोहर)	श्रीमती हिरमु देवी पत्नी श्री रती राम, ग्राम थुरांडली, डाकखाना नेरुवा।	
		13 सतोता	श्रीमती सुनपाती, ग्राम पोबान, डाकखाना नेरुवा।	श्री रातिया, ग्राम शलान, डाकखाना नेरुवा।
		14 धवारा	श्रीमती कुड़ी, पत्नी श्री मान्जी राम, ग्राम पाशाड़, डाकखाना सरायें।	श्री मीना पुत्र श्री मिन्जया, ग्राम यनाराडा, डाकखाना नाकोड़ापुल।
		15 नेरुवा	श्रीमती सूरतू पत्नी श्री कांसिया, ग्राम धारटू, डाकखाना नेरुवा।	श्री मोही राम पुत्र धीरजू, ग्राम थाचली, डाकखाना नेरुवा।
		16 देवथ	श्रीमती शम्भती देवी पत्नी श्री	

1	2	3	4	5
		बालक राम, ग्राम शन्ठा, डाकखाना देवथ ।		
17	केदी	श्रीमती नाहरू सपुत्री श्री अकालू, ग्राम सीहलोडी, डाकखाना केदी ।		
18	गंरली	श्रीमती गैमी देवी सुपुत्री श्री जोगी, ग्राम नीरोग, डाकखाना मड़ावग ।		श्री करमू पुत्र श्री खायान, ग्राम गोरली, डाकखाना मड़ावग । श्री फीनू राम पुत्र श्री जम्मन, ग्राम टपरैच, डाकखाना मड़ावग ।
19	वामटा	श्रीमती गुजरी देवी पत्नी श्री मोनिया, ग्राम गुरला, डाकखाना वामटा ।		
20	चान्दना घर ।	श्रीमती लुम्बी देवी, ग्राम छारोली		श्री बुधी सिंह ग्राम बेटाडी, डाकखाना मालत ।
21	मेरी			श्री चीमडू राम पुत्र सानिया, ग्राम शिली, डाकखाना पुलवाहल ।
22	जुधली	श्रीमती कनिरा पत्नी श्री मोही राम, ग्राम गुब्बली, डाकखाना मालत ।		
23	ननहार	श्रीमती शकुन्तला किमटा, पत्नी श्री रोगन लाल किमटा, ग्राम ननहार, डाकखाना चम्बी ।		श्री धनी राम सपुत्र श्री पनीया, ग्राम झीना, डाकखाना चम्बी ।
24	भालू	श्रीमती गौरी देवी, पत्नी श्री भागू, ग्राम तथा डाकखाना भालू ।		श्री मोहिया सुपुत्र श्री खन्कर, ग्राम बिजाडी, डाकखाना भालू । श्री लच्छी राम सुपुत्र श्री मोतीया, ग्राम तथा डाकखाना भालू ।
25	जूरू-सिलाल	श्रीमती चानणू सुपुत्री श्री लच्छी राम, ग्राम जूरू, डाकखाना भालू ।		श्री पीनू सुपुत्र श्री धानू, ग्राम धोताली, डाकखाना भालू ।
26	टीकरी	श्रीमती घूडी पत्नी श्री किमा राम, ग्राम टिकर, डाकखाना नेरुवा ।		
27	खून्ड नेवल	श्रीमती नीरमू पत्नी कूम्बीया, ग्राम हिडा, डाकखाना नेरुवा ।		श्री धानू राम, सुपुत्र श्री लाईयो ।
28	पोडिया	श्रीमती लीला वती, पत्नी श्री अत्तर सिंह, ग्राम पूडन, डाकखाना पोडिया ।		
29	शाक	श्रीमती झालडी देवी पत्नी श्री रूलदू, ग्राम रूसलाह, डाकखाना नेरुवा ।		
30	चड़ोली	श्रीमती चाननू देवी पत्नी श्री शेर सिंह, ग्राम चड़ोली, डाकखाना चड़ोली, तहसील चोपाल, जिला शिमला ।		

बी० बी० टण्डन,
जिलाधीश, शिमला ।

FOREST DEPARTMENT
NOTIFICATION
Simla-1, the 30th May, 1973

No. Ft. 433-3/72 (E-II).—In exercise of the powers vested in me vide rule 1.26 of Himachal Pradesh Financial Rules Vol. I, all C.F.s. and D.F.O.s. in Himachal Pradesh are hereby declared as Head of Office and Drawing and Disbursing Officers in respect of Major Head 39—Miscellaneous Social and Development Organisations.

Sd/-
Chief Conservator.

INDUSTRIES DEPARTMENT
FORM 'H'
DECLARATION UNDER SECTION 24 OF THE ACT
Chamba, the 26th May, 1973

No. Ind. Loan/59.—Whereas Shri Yash Paul Sud s/o Shri Anant Ram Sud, r/o Mohalla Chowgan Bazar, Chamba, District Chamba, Himachal Pradesh on 26-4-1973 under section 23 of the Punjab State Aid to Industries Act, 1972, calling upon the said Shri Yash Paul Sud to pay to me the sum of Rs. 2,142.75 only on or before 20-5-1973 and whereas the said sum has not been paid, I hereby declare that the sum of Rs. 5,000 and interest thereon (up-to-date) is due from Shri Yash Paul Sud and that the property described in the attached schedule is liable for satisfaction of the said debt.

SCHEDULE

All assets belonging to the sureties:—

1. Shri Madan Lal s/o Shri Bansi Lal, r/o Chamba town, land measuring 30 bighas situated at village Dhular, Tehsil Chamba District Chamba.
2. Shri Subindya Ram s/o Shri Madhu Sudan, r/o Mohalla Chamba, house double storey consisting of 3 rooms situated at village Chamba, Tehsil Chamba District Chamba.
3. All assets whether movable or immovable belonging to the loanee (Shri Yash Paul Sud).

Sd/-
District Industries Officer,
Chamba.

FORM 'H'
DECLARATION UNDER SECTION 24 OF THE ACT
Chamba, the 26th May, 1973

No. Ind. Loan/59.—Whereas a notice was served on Shri Chhaju Ram s/o Shri Ram Krishan, r/o Mohalla Dhupkari, Chamba town, District Chamba, Himachal Pradesh on 2-2-1968 under section 23 of the Punjab State Aid to Industries (Himachal Pradesh Amendment) Act, 1964 calling upon the said Shri Chhaju Ram to pay to me the sum of Rs. 3,936.66 only on or before 13-3-1968 and whereas the said sum has not been paid, I hereby declare that the sum of Rs. 3,936.66 and interest thereon (up-to-date) is due from Shri Chhaju Ram

and that the property described in the attached schedule is liable for satisfaction of the said debt.

SCHEDULE

All the assets whether movable or immovable belonging to the loanee.

Sd/-
District Industries Officer,
Chamba.

FORM 'H'
DECLARATION UNDER SECTION 24 OF THE ACT
Chamba, the 23rd May, 1973

No. Ind. Loan/72.—Whereas a notice was served on Shri Hoshiara Ram s/o Shri Jhippo Ram, resident Mohalla Pata Tala, Chamba town, District Chamba, (Himachal Pradesh) on 2-2-1968 under section 23 of the Punjab State Aid to Industries (Himachal Pradesh Amendment) Act, 1964 calling upon the said Shri Hoshiara Ram to pay to me the sum of Rs. 591.15 only on or before 28-3-1968 and whereas the said sum has not been paid, I hereby declare that the sum of Rs. 60 and interest thereon (up-to-date) is due from Shrimati Leela Vate widow of late Shri Hoshiara Ram and that the property described in the attached schedule is liable for satisfaction of the said debt.

SCHEDULE

All assets belonging to the sureties:—

- (i) Shri Bhagu s/o Shri Lakhu Ram, Village and Post Office Kiani, District Chamba.
- (ii) Shri Chhaju Ram ex-Municipal Commissioner, Mohalla Chowgan, District Chamba.
- (iii) All assets belonging to the legal heir Shrimati Leela Vate widow of late Shri Hoshiara Ram (loanee).

Sd/-
District Industries Officer,
Chamba.

FORM 'H'
DECLARATION UNDER SECTION 24 OF THE ACT
Chamba, the 26th May, 1973

No. Ind. Loan/59.—Whereas a notice was served on Shri Sadhu Singh s/o Shri Dhian Singh, r/o Mohalla Jansali, Chamba town, District Chamba (Himachal Pradesh) on 12-9-68 under section 23 of the Punjab State Aid to Industries (Himachal Pradesh Amendment) Act, 1964 calling upon the said Shri Sadhu Singh to pay to me the sum of Rs. 5,000 only on or before 20-9-68 and whereas the said sum has not been paid, I hereby declare that the sum of Rs. 5,000 and interest thereon (up-to-date) is due from Shri Sadhu Singh and that the property described in the attached schedule is liable for satisfaction of the said debt.

SCHEDULE

Three storied house consisting of 7 rooms and 4 kitchens and three verandahs comprising of Khasra

Nos. 970, 971, 974 and 973, situated in Mohalla Jansali, Chamba town, along with all other assets belonging to the loanee.

Sd/-
District Industries Officer,
Chamba.

FORM 'H'

DECLARATION UNDER SECTION 24 OF THE ACT

Chamba, the 26th May, 1973

No. Ind. Loan/59.—Whereas a notice was served on Shri Shri Niwas s/o Shri Amar Nath, r/o Mohalla Kashmiri, Chamba town, District Chamba, Himachal Pradesh on 18-10-1967 under section 23 of the Punjab State Aid to Industries (Himachal Pradesh Amendment) Act, 1964 calling upon the said Shri Shri Niwas to pay to me the sum of Rs. 5,000 only on or before 18-11-1967 and whereas the said sum has not been paid, I hereby declare that the sum of Rs. 5,000 and interest thereon (up-to-date) is due from Shri Shri Niwas and that the property described in the attached schedule is liable for satisfaction of the said debt.

SCHEDULE

House double storeyed consisting of 7 rooms two Bhors, one Verandah standing on land comprising Khasra Nos. 2257 and courtyard comprising Khasra No. 2256 and 2258 in the Chamba town, along with all other assets belonging to the loanee.

Sd/-
District Industries Officer,
Chamba.

FORM 'H'

DECLARATION UNDER SECTION 24 OF THE ACT

Chamba, the 26th May, 1973

No. Ind. Loan/59.—Whereas a notice was served on Shri Nihala Ram s/o Shri Shiv Shambhu, r/o Village Kathunda, Pargana Kalandara, Chamba, District Chamba, (Himachal Pradesh) on 2-2-68 under section 23 of the Punjab State Aid to Industries (Himachal Pradesh Amendment) Act, 1964 calling upon the said Shri Nihala Ram to pay to me the sum of Rs. 1,804.40 only on or before 16-2-68 and whereas the said sum of Rs. 5,000 has not been paid, I hereby declare that the sum of Rs. 5,000 and interest thereon (up-to-date) is due from Shri Nihala Ram and that the property described in the attached schedule is liable for satisfaction of said debt.

SCHEDULE

House three storeyed of six rooms situated in village Kathunda in Pargana Kalandara, District Chamba, along with all other assets belonging to the loanee.

Sd/-
District Industries Officer,
Chamba.

FORM 'H'

DECLARATION UNDER SECTION 24 OF THE ACT

Chamba, the 23rd May, 1973

No. Ind. Loan/69.—Whereas a notice was served on Shri Amar Chand son of Shri Phinia Ram, resident of village Batoiu, Chamba, District Chamba, (Himachal Pradesh) on 6-9-1968 under section 23 of the Punjab State Aid to Industries (Himachal Pradesh Amendment) Act, 1964, calling upon the said Shri Amar Chand to pay to me the sum of Rs. 1500 plus interest only on or before 20-9-1968 and whereas the said sum has not been paid, I hereby declare that the sum of Rs. 1432.50 and interest thereon (up-to-date) is due from Shri Amar Chand and that the property described in the attached schedule is liable for satisfaction of the said debt.

SCHEDULE

All movable and immovable assets belonging to sureties:—

- (i) Shri Charan Dass s/o Shri Sunder Dass Mahajan, Mohalla Dhobkari, Chamba town.
- (ii) Shri Hardayal s/o Shri Lekhu Ram, caste Badhi resident of Mohalla Kashmiri, Chamba town.

All movable and immovable assets belonging to the loanee.

Sd/-
District Industries Officer,
Chamba.

FORM 'H'

DECLARATION UNDER SECTION 24 OF THE ACT

Chamba, the 26th May, 1973

No. Ind. (Loan)/59.—Whereas a notice was served on Shri Ami Chand s/o Shri Sankar Dass, r/o Mohalla Chowgan, Chamba, District Chamba (H.P.) on 14-1-1969 under section 23 of the H. P. State Aid to Industries (H. P.) Act, 1964 calling upon the said Shri Ami Chand to pay to me the sum of Rs. 5,000 only on or before 1-2-1969 and whereas the said sum has not been paid, I hereby declare that the sum of Rs. 5,000 and interest thereon (up-to-date) is due from Shri Ami Chand and that the property described in the attached schedule is liable for satisfaction of the said debt.

SCHEDULE

Double storeyed house standing on the plain comprising Khasra No. 2646 consisting of 4 rooms and Bhore situated in Mohalla Chowgan, Chamba town, along with all other assets belonging to the loanee.

Sd/-
District Industries Officer, Chamba.

FORM 'H'

DECLARATION UNDER SECTION 24 OF THE ACT

Chamba, the 26th May, 1973

No. Ind. (Loan)/59.—Whereas a notice was served on Shri Dev Raj s/o Shri Ram Lal, Mohalla Bangotu, Chamba town, District Chamba (H.P.) on 20-2-68 under section 23 of the Punjab State Aid to Industries (H. P.

Amendment) Act, 1964 calling upon the said Shri Dev Raj to pay to me the sum of Rs. 142.80 only on or before 28-2-68 and whereas the said sum has not been paid, I hereby declare that the sum of Rs. 857.20 and interest thereon (up-to-date) is due from Shri Dev Raj and that the property described in the attached schedule is liable for satisfaction of the said debt.

SCHEDULE

All the assets whether movable or immovable belonging to the loanee.

Sd/-
District Industries Officer, Chamba.

FORM 'H'

DECLARATION UNDER SECTION 24 OF THE ACT

Chamba, the 26th May, 1973

No. Ind.(Loan)/59.—Whereas a notice was served on Shri Vidya Sagar s/o Late Shri Lali Ram, r/o Mohalla Chowgan, Chamba town, District Chamba, (H.P.) on 26-4-73 under section 23 of the Himachal State Aid to Industries Act, 1972 calling upon the said Shri Vidya Sagar to pay to me the sum of Rs. 2,142.75 only on or before 20-5-73 and whereas the said sum has not been paid, I hereby declare that the sum of Rs. 5,000 along with (up-to-date) interest is due from Shri Vidya Sagar and that the property described in the attached schedule is liable for satisfaction of the said debt.

SCHEDULE

All assets belonging to the sureties:—

1. Shri Kanth s/o Late Shri Sada Nand, resident of Mohalla Chowgan, Chamba town, land comprising No. 2450 consisting of house and vacant land under Khasra No.2409.

2. All assets belonging to the loanee.

Sd/-
District Industries Officer, Chamba.

FORM 'H'

DECLARATION UNDER SECTION 24 OF THE ACT

Chamba, the 26th May, 1973

No. Ind. Loan/59.—Whereas a notice was served on Shri Satya Prashad Bhandari s/o Shri Budhi Singh, r/o Mohalla Chauntra, Chamba town, District Chamba, (Himachal Pradesh) on 3-2-68 under section 23 of the Punjab State Aid to Industries (H. P. Amendment) Act, 1964 calling upon the said Shri Satya Prashad Bhandari to pay to me the sum of Rs. 1,243.33 only on or before 23-3-68 and whereas the said sum has not been paid, I hereby declare that the sum of Rs. 1,743.33 and interest thereon (up-to-date) is due from Shri Satya Prashad Bhandari and that the property described in the attached schedule is liable for satisfaction of the said debt.

SCHEDULE

House standing on land comprised of Khasra No. 4489, 4490, 4491 and 4495 measuring 489 bighas Shri

Satya Prashad Bhandari ½ share (244 bighas 6 biswas) situated in Mohalla Chauntra, Chamba town and all other property belonging to the said loanee.

Sd/-

District Industries Officer, Chamba.

FORM 'H'

DECLARATION UNDER SECTION 24 OF THE ACT

Chamba, the 23rd May, 1973

No. Ind. Loan/72.—Whereas a notice was served on Shri Piyare Lal s/o Shri Mansa Ram, resident of Mohalla Bangotu, Chamba town, District Chamba, Himachal Pradesh on 2-2-1968 under section 23 of the Punjab State Aid to Industries (H. P. Amendment) Act, 1964 calling upon the said Shri Piyare Lal to pay to me the sum of Rs. 5,000 and Rs. 1,804.38 interest only on or before 13-3-1968 and whereas the said sum has not been paid, I hereby declare that the sum of Rs. 5,000 and interest thereon (up-to-date) is due from Shri Piyare Lal and that the property described in the attached schedule is liable for satisfaction of the said debt.

SCHEDULE

(i) All assets belonging to the sureties:—

1. Shri Krishan Datta s/o Shri Shiv Kumar, Mohalla Chauntra, Chamba town.

2. Shri Narotam Dutta s/o Shri Hiru alias Lakshmi Nand, Mohalla Kharura, Chamba town.

(ii) All assets belonging to the loanee.

Sd/-

District Industries Officer, Chamba.

PUBLIC WORKS DEPARTMENT

NOTIFICATIONS

Simla-1, the 30th June 1973,

No. PWE-148-8/68-IV-ES-II-9579-9600/—In exercise of the powers vested in me under rule 1.26 of Himachal Pradesh, Financial Rules, Vol. I, I hereby declare the Executive Engineer, Irrigation Division, Himachal Pradesh Public Works Department, Una (H.P.) as Head of Office and Drawing and Disbursing Officer in respect of the following head of account:—

50—Public Works Other Works (Non-Plan).

D—3(2) Executive Establishment.

D—3(2) (1) Pay of Officers.

D—3(2) (2) Pay of Establishment.

D—3(2) (3) Allowances and Honoraria.

D—3(2) (4) Other Charges.

He will also be the Controlling Officer under S.R-191 for the purpose of T.A. in respect of Class II, III and IV staff working under him.

M. C. MALHOTRA,
Chief Engineer (S).

Simla-3, the 5th June, 1973

No. SE-II-R-27-4/-10743-47.—Whereas it appears to the Governor, Himachal Pradesh that the land is likely to be required to be taken by the Himachal

Pradesh Government at the public expense for a public purpose, namely for the Rohru Chargaon road, it is hereby notified that land in the locality described below is likely to be acquired for the above purpose.

This notification is made under the provision of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section the Government of Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested, who has any objection to the acquisition of the said land in the locality may, within thirty days of the publication of this notification, file an objection in writing before the Collector of Land Acquisition Officer, Himachal Pradesh P.W.D., Kasumpti, Simla-9.

भाग 3—अधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के, राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, फाइनैन्शल कमिशनर तथा कमिशनर आफ इन्कम-टैक्स द्वारा अधिसूचित आदेश इत्यादि

No. 7-2/70-DP. (Apptt.).—

PERSONNEL DEPARTMENT NOTIFICATION

Simla-2 the 13th March, 1973

G. S. R. In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor of Himachal Pradesh is pleased to make the following rules for regulating the recruitment and conditions of service of persons appointed to the Himachal Pradesh Police Service.

1. *Short title and commencement.*—(i) These rules may be called the Himachal Pradesh Police Service Rules, 1973.

(ii) They shall come into force with immediate effect.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or the context;—

(a) "Governor" means the Governor appointed under Article 155 of the Constitution of India for the State of Himachal Pradesh;

(b) "Government" means the Government of Himachal Pradesh;

(c) "Commission" means the Himachal Pradesh Public Service Commission;

(d) "Appendix" means an appendix appended to these rules;

(e) "Appointment to the Service" means an appointment to a duty post, whether on permanent, temporary or officiating basis, or on probation;

(f) "Duty post" means any post specified in appendix 'A' or any other post declared as such by Government and includes a temporary post carrying the same designation as any of the posts specified in that appendix with an identical scale of pay;

SPECIFICATION

District: SIMLA

Tehsil: ROHRU

Village	Khasra No.	Area Big. Bis.
ROHRU	391	1 8

M. L. BANSAL,
Superintending Engineer,
2nd Circle, H.P.P.W.D., Simla-3.

CORRIGENDUM

Mandi, the 13th June, 1973

No SEI-R-25-41/68-50252-36.—Read Khasra No. 1320/1145/1 in place of Khasra No. 1145/1 measuring area 0.2.11 Biswa in the notification issued vide this office letter No. SEI-R-25-41/68-22962-66, dated 21-8-69 issued for the acquisition of land for construction of Aut-Prassar road in respect of village Kottadhar.

O. P. SABHLOK,
Superintending Engineer,
1st Circle, H.P.P.W.D., Mandi.

(g) "Member of the Service" means a person—

(i) who immediately, before the commencement of these rules, was appointed to the Himachal Pradesh Police Service as constituted with effect from the 25 January, 1971, under section 40(1) of the State of Himachal Pradesh Act, 1970 (Act No. 53 of 1970), read with the Government of India, Ministry of Home Affairs notification No. G.S.R. 43, dated the 6th January, 1971, and holds a duty post, substantively or on probation; or

(ii) who is appointed to the service in accordance with the provisions of these rules;

(h) "the service" means the Himachal Pradesh Police Service;

(i) "recognised University" means any University incorporated by law in India or any other University which is declared by the Government to be recognised University for the purposes of these rules;

(j) "direct appointment" means an appointment made otherwise than by promotion of an Inspector;

(h) "Inspector" means an Inspector of Police; and

(i) "prescribed" means prescribed by the Government from time to time by a notification in the official Gazette.

3. *Number and character of posts.*—The service shall comprise of the posts specified in Appendix 'A' to these rules:

Provided that nothing in these rules shall effect the right of Government to make additions to or reductions in the number of such posts, whether permanently or temporarily.

4. *Nationality of candidates.*—(1) A candidate for appointment to the service must be—

(a) a citizen of India; or

(b) a subject of Sikkim; or

- (c) a subject of Nepal; or
- (d) a subject of Bhutan; or
- (e) a Tibetan refugee who came to India before the 1st January, 1962, with the intention of permanently settling in India; or
- (f) a person of Indian origin who has migrated from Pakistan, Burma, Ceylon, East African countries of Kenya, Uganda and the United Republic of Tanzania (formerly Tanganyika and Zanzibar) with the intention of permanently settling in India.

Provided that a candidate belonging to categories (c), (d), (e) and (f) shall be person in whose favour a certificate of eligibility has been given by the Government of India and if he belongs to category (f) the certificate of eligibility will be issued for a period of one year, after which he will be retained in service only if he had acquired Indian citizenship.

(2) A candidate in whose case a certificate of eligibility is necessary, may be admitted to the examination or interview conducted by the Commission or any other recruiting authority and he may also provisionally be appointed subject to the necessary certificate being given to him by the Government.

5. *Appointing authority.*—All appointments to the service shall be made by the Government:

Provided that nothing herein shall effect the appointment to the service of members who were allocated to Himachal Pradesh by the Government of India, Ministry of Home Affairs under sub-section (4) of section 40 of the State of Himachal Pradesh Act, 1970 (53 of 1970):

Provided further that the officers on Select List framed under Delhi, Himachal Pradesh, Andaman and Nicobar Islands Police Service Rules, 1965, before 25th January, 1971, and appointed to officiate against the duty posts before the commencement of these rules, shall continue to hold such officiating appointments, irrespective of the fact whether posts held by them are earmarked for any of the categories mentioned under rule 6, till they are regularly appointed to the service in accordance with these rules or till the candidates become available for appointment to the service from the lists of direct and promotee candidates or till their names are removed from the Select List, whichever is earlier.

6. *Method of recruitment.*—(1) Recruitment to the service shall be made in the following manner:—

- (a) 40 per cent by direct recruitment, and
- (b) 60 per cent from Inspectors and Prosecuting Inspectors who are substantively borne on their respective cadres and have two years continuous service in their grades both officiating and substantive.

(2) For purposes of calculating vacancies according to the percentages as prescribed in sub-rule (1), the duty posts held either substantively or on probation in a regular manner before the commencement of these rules by Himachal Pradesh Police Service Officer, shall be excluded:

Provided that the posts available against direct quota on the commencement of these rules, shall be filled over a period of four years.

SELECTION COMMITTEE

7. *Selection of candidates from Inspectors and Prosecuting Inspectors.*—(1) Recruitment under clause (b) or sub-rule (1) of rule 6, shall be made on the recommendation

of a Selection Committee (hereinafter referred to as the Committee) consisting of—

- (i) The Chairman or a member of the Commission .. *Chairman*
- (ii) The Chief Secretary or the Secretary to the Government in the Chief Secretary's Branch .. *Member*
- (iii) The Inspector General of Police, Himachal Pradesh .. *Member.*

(2) The Committee shall consider from time to time the cases of Inspectors/Prosecuting Inspectors eligible for appointment to the service and prepare a list of officers according to the percentage fixed under clause (b) of sub-rule (1) or rule 5. The list shall contain the names of the selected candidates twice the number of the vacancies at the time of selection or likely to occur during the next one year.

The selection for inclusion in the list shall be based on merit and suitability in all respects for appointment to the service with due regard to seniority.

“for purposes of selection of candidates under this rule a combined seniority list of Inspectors and Prosecuting Inspectors shall be prepared on the basis of their length of regular service in the grade”.

(3) The names of persons included in the list shall be arranged in the order of merit.

(4) The list so prepared along with relevant record shall be forwarded by the Committee to the Government. The Government shall send the list along with the record to the Commission and obtain its concurrence whereafter the list shall be considered final.

(5) The list shall remain operative for one year from the date of its approval by the Commission.

8. *Competitive examination for direct recruitment.*—

(1) A competitive examination hereinafter called “the examination”, which shall be combined with the competitive examination for Himachal Pradesh Administrative service, shall be held at any place in Himachal Pradesh each year in the month of September, for the purpose of selection by competition of as many candidates for the Service as the Government may determine:

Provided that the date of examination may be changed by Government if warranted by circumstances.

(2) Notice of the date fixed for the examination shall be published in the Himachal Pradesh Gazette.

9. *Qualifications.*—(1) Applications for permission to sit at the competitive examination will be called by the Commission and shall be made in the manner and form prescribed, and accompanied by such documents/papers as may be required by the Commission in this behalf.

(2) No person shall be permitted to sit in the examination—

- (a) who has not attained the age of twenty-one years and will have attained the age of twenty-seven years on or before the 1st day of January, of the year, in which the applications are invited by the Commission for competitive examination:

Provided that a candidate belonging to scheduled castes/tribes or backward classes will be entitled to deduct from his age such period as may, from time to time, be allowed by Government in respect of his entry into service under the State:

Provided further that candidates who have not attained the age of 28 years on the first of January, 1972 shall be eligible to sit in the first examination to be conducted by

the Commission after the commencement of these rules;

- (b) who does not possess a degree of recognised University not lower than a Bachelor's degree or its equivalent; and
- (c) who does not by the closing date for receipt of applications to be notified by the Commission send a crossed Indian Postal Order for sixty rupees or in the case of scheduled castes/tribes or backward classes candidates belonging to or residing Himachal Pradesh one-fourth of this amount on account of examination fee which in no circumstances will be refunded or held over for the subsequent examinations.

Note.—A candidate who has appeared at an examination, the passing of which would render him eligible to appear at this examination but has not been informed of the result, may apply for admission to the examination. A candidate who intends to appear at such a qualifying examination may also apply; provided the qualifying examination is completed before the commencement of this examination. Such candidates will be admitted to the examination, if otherwise eligible, but the admission would be deemed to be provisional and subject to cancellation if they do not produce proof of having passed the examination as soon as possible and in any case not later than two months after the commencement of this examination.

10. *Disqualification for selection as candidate.*—No person;—

- (a) who has entered into or contracted a marriage with a person, having a spouse living; or
- (b) who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and there are other grounds for so doing, exempt any person from the operation of this rule.

11. *Admission of candidates to the competitive examination.*—(1) The Government shall notify to the Commission the number of vacancies to be filled by direct appointment during the year, and the Commission will proceed to give publicity to the proposed appointments and invite applications.

(2) The Commission will scrutinize all applications received and admit to the examination mentioned in rule 8 all these candidates who are found to be eligible in accordance with these rules.

(3) Success in the examination will confer no right on any candidate to appointment, unless Government is satisfied, after such enquiry as may be considered necessary that the candidate is suitable in all respects for appointment to the service.

12. *Selected candidates to be declared fit by Standing Medical Board before appointment.*—No candidate selected under the provision of rule 13 shall be appointed to the service unless he appears for medical examination before the Standing Medical Board and has been declared by such board to be physically fit for the duties which he will have to perform as a member of the service.

Note 1.—The regulations for the medical examination of candidates are contained in Appendix 'C' of these rules.

Note II.—A selected candidate who fails without sufficient reason on which the decision of the Government shall be final, to appear before the Standing Medical Board on the date for which he is called, is liable to have his name removed from the list of selected candidates.

13. *Selection of candidates for direct recruitment.*—Subject to the provisions of rule 9, Government may include in Select List of direct candidates in order of merit the names of such number of candidates as it may from time to time determine from amongst those who have been declared as qualified in the examination, by the Commission:

Provided that for purposes of ensuring adequate representation of qualified scheduled castes/tribes candidates, their names may be brought on the Select List in order of merit *inter-se* irrespective of their position on the list of qualified candidates as a whole.

14. *Appointment of selected candidates to the service.*—The Government shall make appointments to the service in pursuance of rule 6 and subject to provisions of sub-rule (5) of rule 7 and rule 13 from among the selected candidates in rotation as follows:—

- 1. Direct .. One candidate
- 2. Promotee .. One candidate
- 3. Direct .. One candidate
- 4. Promotee .. Two candidates.

and thereafter in the same rotation beginning again from direct candidates:

Provided that all such appointments shall in the first instance be either officiating or substantive provisional.

15. *Order of appointments of candidates on the same list.*—Subject to the provisions of rule 16, candidates on different lists, shall be appointed to the service, in the order of their selection as candidates.

16. *Probation of members of service.*—(a) Members of the service shall be on probation for two years, which shall include the period of training at the Police Training School, and in the districts and in the case of members recruited by promotion, the Government may, by a special order in each case, permit periods of officiating appointments to the service to count towards the period of probation.

(b) The services of a member recruited by direct appointment may be dispensed with by Government on his failing to pass the final examination at the end of his period of training, or on his being reported on, during or at the end of his period of probation, as unfit for appointment:

Provided that the Government may, if it deems fit, extend the period of probation by not more than one year for reasons to be recorded in writing.

(c) The Inspector General of Police, Himachal Pradesh, may require any member of the service on probation appointed by promotion from the rank of an Inspector to undergo a special course of training and to pass the prescribed examination in any subject or subjects, including a compulsory language in which his qualification may be defective. Any such probationer failing to pass the examination prescribed for him or being unfavourably reported on, may be reverted to his substantive rank of Inspector.

17. *Consequences of failure to join when appointed.*—If a candidate, on appointment to a particular post, is unable for any reason other than the order of Government to join his appointment within three months from

the date of receipt of the orders of appointment, the Government may remove his name from the list or may cancel the orders of appointment, and if he is subsequently appointed may assign to him seniority in accordance with the date of the revised orders of appointment.

18. Seniority of members of the service.—The seniority of officers appointed to the service shall be determined in accordance with the order of their appointment to the service; provided that—

- if the order of appointment of any candidate is cancelled under the provisions of rule 17, and such candidate is subsequently appointed to the service the date of his appointment to the service for the purpose of this rule shall be the date of such subsequent appointment;
- If any officer appointed to the service fails to qualify himself for substantive permanent appointment within the prescribed period of probation the Government may determine whether the date of his appointment for the purpose of this rule shall be postponed by a period not exceeding the period by which such officers substantive permanent appointment is delayed beyond the prescribed period of probation;
- The seniority of those Himachal Pradesh Police Service Officers allocated to Himachal Pradesh under section 4 of section 40 of the State of Himachal Pradesh Act, 1970, whose seniority has been finalised and circulated under various letters issued by the Government of India shall remain unchanged.

19. Pay of members of service.—(1) Members of the service shall be entitled to time-scale of pay as may be prescribed by Government from time to time.

(2) Members of the service recruited by promotion and appointed whether on an officiating basis or substantive will be placed in the time-scale of pay of the service so as to give them Rs. 75 per mensem more than the substantive pay of the post held by them in the subordinate service. When this results in a sum intermediate between two stages in the aforesaid time-scale, the next increment will be reduced so as to bring the total upto the next higher stage in that scale.

(3) Members of the service recruited by direct appointment shall, on first appointment be entitled to get the minimum of the time-scale of pay of the service and shall earn increments subject to the general rules governing the grant of increments.

(4) Officiating service and probationary service of the members of the service shall count for increment in the time-scale.

(5) Members of the service shall be eligible for appointment, permanently or provisionally to a selection grade and on such appointment shall be entitled to pay on a scale sanctioned by the Government from time to time.

(6) Appointment to the selection grade shall be made on the basis of seniority-cum-merit.

(7) The number of appointments in the selection grade shall be 10 per cent of the authorised strength of the service. For working out the number of vacancies, for selection grade posts the fraction, if it is half or more shall be taken as one vacancy otherwise it shall be ignored.

(8) A member of the service while holding any of the posts given in Appendix 'A' shall be entitled to special pay, if any, as sanctioned by the Government from time to time in addition to pay to which he is entitled under the rules.

20. Conduct, discipline and penalties.—In matters relating to discipline, penalties and appeals, members of the service shall be governed by the Himachal Pradesh Services (Punishment and Appeal) Rules:

Provided that the nature of penalties which may be inflicted, the authority to impose such penalties, and subject to the provisions of any law or rules made under Article 309 of the Constitution of India, the appellate authority shall be as specified in Appendix 'B':

Provided further that no member of the service who is called upon to produce his defence as to the charges, which form the subject-matter of any enquiry against him, shall be allowed to engage a counsel.

21. Matters not expressly provided in these rules.—In respect of all matters not specifically mentioned in these rules, the members of the service shall be governed by such general rules as may have been or may hereafter be framed by the Government under the provisions of the Constitution of India in this respect.

POWER TO RELAX

22. General powers to relax rules.—Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing and in consultation with the Commission relax any of the provisions of these rules with respect of any class or category of persons.

23. Interpretation.—If any question arises relating to the interpretation of these rules, the same shall be decided by the Government.

24. Repeal and savings.—(1) The "DHANI" Police Service Rules, 1965, which were made applicable to Himachal Pradesh Police Service under section 40(6) of the State of Himachal Pradesh Act, 1970 (Act No. 53 of 1970) are hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the Delhi, Himachal Pradesh and Andaman and Nicobar Islands Police Service Rules, 1965, shall be deemed to have been validly done or taken under these rules.

APPENDIX 'A'

(See rule 3)

Sl. No.	Designation	No. of posts
1.	Deputy Superintendent of Police	15 (Fifteen).
2.	Deputy Superintendent of Police for Striking Reserve Force	3 (Three).
3.	Deputy Superintendent of Police for C.I.D.	3 (Three).
4.	Deputy Superintendent of Police for A.C.U.	3 (Three).
5.	Deputy Superintendent of Police for C.P.O.	2 (Two).
6.	Deputy Superintendent of Police for Railway and Traffic	1 (One).

Sl. No.	Designation	No. of posts
7.	Deputy Superintendent of Police for H.A.P.	1 (One).
	TOTAL	28 (Twenty-eight)
	Deputation Reserve	12-1/2%
	Leave Reserve	10%
	Training Reserve	10%
	Total authorised strength	37 (Thirty-seven).

APPENDIX 'B'
(See rule 20)

Serial No.	Nature of penalty	Authority empowered to impose penalty	Appellate authority
1	2	3	4
1.	Censure	Inspector General of Police.	State Government.
2.	Withholding of increments or promotions, including stoppage at an efficiency bar, if any.	-do-	-do-
3.	Suspension	-do-	-do-
4.	Reduction to a lower post or time-scale, or to a lower stage in a time-scale.	State Government.	—
5.	Recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders.	Inspector General of Police.	State Government.
6.	Removal from the civil service of the Government which does not disqualify from future employment.	State Government.	—
7.	Dismissal from the civil service of the Government which ordinarily disqualifies from future employment.	-do-	—

APPENDIX 'C'

(See rule 12)

REGULATIONS FOR THE MEDICAL EXAMINATION OF CANDIDATES FOR ADMISSION TO THE HIMACHAL PRADESH POLICE SERVICE

These regulations are intended merely for the guidance of Medical Examiners and are not meant to restrict their discretion in any way)

1. To be passed as medically fit for admission to the Himachal Pradesh Police Service, a candidate must be in good mental and bodily health, and free from any physical

defect likely to interfere with the efficient performance of the duties of his appointment.

2. A candidate must have a minimum height of 160 cm. His height will be measured as follows:—

He will remove his shoes and be placed against the standard with his feet together and the weight thrown on the heels and not on the toes or other sides of the feet. He will stand erect without rigidity and with the heels, calves, buttocks and shoulders touching the standard; the chin will be depressed to bring the vertex of the head level under the horizontal bar and the height will be recorded in centimeters.

3. The candidate's chest must be 79 centimetres and when fully expanded 84 centimetres. His chest will be measured as follows:—

He will be made to stand erect with his feet together, and to raise his arms over his head. The tape will be so adjusted round the chest that its upper edge touches the inferior angles of the shoulder blades behind and lies in the same horizontal plane when the tape is taken round the chest. The arms will then be lowered to hang loosely by the side, and care will be taken that the shoulders are not thrown upwards or backwards so as to displace the tape. The candidate will then be directed to take a deep inspiration several times and the maximum expansion of the chest will be carefully noted and the minimum and maximum expansion of the chest will be recorded in centimetres, 79-84 etc. In recording the measurements fractions of less than half centimetre should not be noted. The range of expansion should not be less than 5 centimetres.

4. The candidate will also be weighed and his weight recorded in kilograms; fractions of less than half kilogram should not be noted.

5. The candidate's eye-sight will be tested in accordance with the following rules. The result of each test will be recorded:—

(i) *General*—The candidate's eyes will be submitted to a general examination directed to the detection of any disease or abnormality. The candidate will be rejected if he suffers from any quint or morbid conditions of eyes, eyelids or contiguous structures of such a sort as render or are likely at a future date to render him unfit for service.

(ii) *Visual acuity*.—The examination for determining the acuteness of vision includes two tests, one for distant, the other for near vision. Each eye will be examined separately.

There shall be no limit for minimum naked eye vision but the naked eye vision of the candidates shall, however be recorded by the Medical Board or other medical authority in every case, as it will furnish the basic information in regard to the condition of the eye.

(a). The standards for distant and near vision with or without glasses shall be as follows:—

Distance vision		Near vision	
Better eye	Worse eye	Better eye	Worse eye
6/9	6/9	0.6	0.8
6/6	6/12		

(b) Subject to the visual standards as laid down above being satisfied, the amount of refractive error allowed will be as follows:—

- (i) Total amount of myopia shall not exceed —8.00
- (ii) Total hypermetropia shall not exceed +6.00

(c) Wherever possible fundus examination should be carried out and results recorded. The necessity for carrying out such examination is, however, left to the discretion of the Medical Board.

(d) The field of vision should be tested by the confrontation method. Where such test gives unsatisfactory or doubtful results, the field of vision should be determined on the perimeter.

(e) Night blindness need not be tested as a routine, but only in special cases. No standard test for testing of night blindness or dark adaptation is prescribed. It is to the discretion of the Medical Board to improvise such rough test, e.g., recording of visual acuity with reduced illumination or by making the candidate recognise various objects in a darkened room after he/she has been there for 20 to 30 minutes. Candidate's own statement should not always be relied upon but they should be given due consideration.

(f) Ocular conditions other than visual acuity:—

The ocular conditions or diseases which should be considered as a disqualification are as follows:—

- (i) Any organic disease or a progressive refractive error which is likely to result in lowering the visual acuity should be considered as a disqualification.
- (ii) Trachoma unless complicated shall not ordinarily be a cause for disqualification.
- (iii) Squint: The presence of squint should not be considered as a disqualification if the visual acuity is of the prescribed standard.
- (g) The standards prescribed above should be rigidly adhered to. Relaxation of these standards may, however, be allowed when the age of the candidate at the time of first appointment is 35 years or more. In such cases the standards for vision should be reduced by one step as explained below:—

Better eye		Worse eye
6/12	OR	6/12
6/9		6/18

(h) When a candidate is declared medically unfit on account of visual acuity, any appeal preferred by him/her should be dealt with by a Special Medical Board, the composition of which should include two Ophthalmologists. Ordinarily, the findings of this Special Medical Board should be considered as final but a second appeal shall be permissible in doubtful cases and under very special circumstances. It shall be open to Government to relax any one of the conditions in favour of any candidate for special reasons.

6. The urine (passed in the presence of the examiner) should be examined, the result recorded.

7. The following additional points should be observed:—

- (a) That the candidate's hearing in each ear is good and that there is no sign of the disease of the ear;
- (b) that his speech is without impediment;
- (c) that his teeth are in good order and that he is provided with dentures where necessary for effective mastication (well filled teeth) will be considered as sound;
- (d) that his chest is well formed and his chest expansion sufficient and that his heart and lungs are sound;
- (e) that there is no evidence of an abdominal disease;
- (f) that he is not ruptured;

(g) that he does not suffer from hydrocele, a severe degree of varicocele varicose veins or piles.

(h) that his limbs, hands and feet are well formed and developed and that there is free and perfect motion of all his joints;

(i) that he does not suffer from any inveterate skin disease;

(j) that there is no congenital malformation or defect;

(k) that he does not bear traces of any acute or chronic disease pointing to an impaired constitution; and

(l) that he bears marks of efficient vaccination and evidence of re-vaccination within the last 12 months.

8. When any defect is found it must be notified in the certificate and the Medical Examiner should state his opinion whether or not it is likely to interfere with the efficient performance of the duties which will be required of the candidate. If the condition is remediable by operation it should be so stated.

9. The following intimation is made for the guidance of the Medical Examiner:—

1. In the medical examination of candidates Medical Officers are especially required to use fact and judgement and to take proper precaution to secure privacy, with the object of removing any objection which may be made by individuals to stripping.
2. Should a candidate object to the exposure of his person for the detection of haemorrhoids, venereal disease, hernia and disease of the testicles, scrotum and rectum, the candidate must, if this examination in his case is in the opinion of the Board necessary, be rejected.
3. The opinion of the Board accepting or rejecting a candidate is final and cannot be questioned on any ground. The Board is debarred from disclosing to any candidate, permanently unfit, the reasons for his rejection. In these cases their opinion and reports to be treated as strictly confidential and for the information of Government only. Where, however, the Board detects a temporary defect amenable to treatment the candidate may be so informed in order that they may have the defect remedied and present himself for re-examination.
4. No person will be deemed qualified for the admission to the service who shall not satisfy the Government that he has no disease, constitutional affection or bodily infirmity unfitting him or likely to unfit him for the service.
5. It should be understood that the question of fitness involves the future as well as the present, and that the main object of medical examination is to secure continuous effective service, and in the case of candidates for permanent appointment to prevent early pension or payment, in case of premature death. It is at the same time to be noted that the question is one of the likelihood of continuous effective service, and that the rejection of a candidate need not be advised on account of the presence of a defect which is only a small proportion of cases, is found to interfere with continuous effective service.
10. The candidate must make the statement required below prior to his medical examination and must sign

the declaration appended thereto. His attention is specially directed to the warning contained in the note below:—

- (1) State your name in full:
- (2) State your age and birth place:
- (3) (a) Have you ever had small-pox, intermittent or any other fever, enlargement or, suppuration of glands, spitting of blood, asthma, inflammation of lungs, heart disease, fainting attacks, rheumatism, or appendicitis?

OR

- (b) Any other disease or accident requiring confinement to bed and medical or surgical treatment?

OR

- (c) Suffered from any illness, wound or injuries sustained while on active service with forces during the last war?
- (d) Have you ever been rejected by a Medical Board or duly constituted medical authority?
- (4) When were you last vaccinated?
- (5) Have you or any of your near relations been afflicted with consumption, scrofula, out, asthma, fits epilepsy or insanity?
- (6) Have you suffered from any form of nervousness due to over work or any other cause?
- (7) Furnish the following particulars concerning your family:—

Father's age, if living and state of health	Father's age at death and cause of death	Names of brothers living, their ages and state of health
1	2	3

Numbers of brothers dead and cause of death	Mother's age if living and state of health	Mother's age at death and cause of death
4	5	6

Number of sisters living, their ages and state of health	Number of sisters dead, their ages at, and cause of death
7	8

I declare all the above answers to be, to the best of my belief, true and correct and accept the finding of the Board as final.

Candidate's signature.

Note.—The candidate will be held responsible for accuracy of the above statement. By wilfully suppressing an information he will incur the risk of

losing the appointment and if appointed of forfeiting all claims to superannuation allowance or gratuity.

MEDICAL EXAMINER'S REPORT

Questions	Answers	Remarks
1. Has the declaration above been signed by the candidate?		
2. Is there any evidence of malformation, congenital or acquired?		
3. Is he free from scars, and has he the full use of all limbs?		
4. Are there any indications of a decided cachectic or diathetic state of constitution?		
5. Has the candidate been vaccinated within the last twelve months?		
6. Are there any signs of disease of the nervous system?		
7. Is the hearing good? Is there any sign of disease of ears?		
8. What is the candidate's vision?		REV—With glasses—Reads LEV—With glasses—Reads Spectacles, if any, R.E.—L.E.
9. Is the candidate free from stammer or other serious defect of speech?		
10. Are there any signs of disease of the bones, joints or parts connected therewith?		
11. Is there any important affection of the skin?		
12. Are the heart and arteries healthy?		
13. Has the candidate haemorrhoids, varicocele, or other affections of veins?		
14. Is there any evidence of disease of respiratory organs?		
15. Are there any signs of disease of the digestive organs?		
16. Is the candidate free from rupture?		
17. Is there any indication of disease of the genital organs?		
18. Is the urine free from—		
(1) Albumen	(1)	
(2) Sugar	(2)	
Is the urine otherwise normal?		
19. Is there anything in the health of the candidate likely to render him unfit for the efficient discharge of his duties in the service?		

Questions
Answers
Remarks

20. Do you consider the candidate in all respects qualified for the efficient and continuous discharge of his duties in the service?

Height (with shoes)

Girth of Chest (full inspiration)

Weight

Dated President.

Member.

Member.

K. N. CHANNA,
Chief Secretary.

**REVENUE DEPARTMENT
NOTIFICATION**

Simla-2, the 5th June, 1973

No. 4-2/69-Rev.—Shri Behari Lal Consolidation Officer, Hamirpur, District Hamirpur, stands retired from Government service with effect from 12-3-1973 (forenoon) on attaining the age of superannuation. This supersedes the previous notification issued vide this office notification of even number, dated 5-3-1973.

L. HMINGLIANA TOCHHAWNG,
Financial Commissioner.

OFFICE OF THE COMMISSIONER TRANSPORT
OFFICE ORDER

Simla-1, the 30th May, 1973

No. GM. 9-352/57.—In exercise of the powers vested in me under rule 1.26 of the Himachal Pradesh, Financial Rules, 1971, Vol-I, I hereby declare the Regional Manager, Himachal Government Transport, Mandi as Head of Office and Drawing and Disbursing Officer for the office of the Regional Manager, Himachal Government Transport, Bilaspur, under major head "57—Road and Water Transport Schemes A-2—Operation—Non-Plan".

The Regional Manager, Himachal Government Transport, Mandi is also declared as Controlling Officer, under S.R. 191 for the purpose of T.A. etc. in respect of staff of Bilaspur Region.

The arrangements have been made due to the retirement of Shri A.C. Vaidya, Regional Manager, Himachal Government Transport, Bilaspur on 22-5-73 (A.N.) and shall remain operative till an independent Regional Manager is posted at Bilaspur.

By order,
S. K. ALOK,
Commissioner.

भाग 4—स्थानीय स्वायत्त: शासन म्यूनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाउन एरिया तथा पंचायत विभाग
PANCHAYATI RAJ DEPARTMENT
NOTIFICATION

Simla-4, the 4th June, 1973

No. 23-1/69-Panch.—Whereas it appears to the Governor of Himachal Pradesh that the land specified below is required to be taken by the Himachal Pradesh Government at public expense for the public purpose, namely for the construction/extension of school building at Nari (Chintpurni), Tehsil Amb, District Una, Himachal Pradesh, it is hereby declared that the said land is required for the said purpose.

This declaration is made under the provision of section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provision of section 7 the said Act, the Land Acquisition Collector, Una (Sub-Divisional Officer (C) Una), is hereby directed to take order for the acquisition of said land.

The plan of the land may be inspected in the office of the Land Acquisition Collector, (Una Sub-Divisional

Officer (Civil), Una).

SPECIFICATION

District: UNA

Tehsil: AMB

Village	Khasra No.	Area
NARI (CHINTPURNI).	2537	0-16 Marlas Barani.
	2365	
	2538	0-15 Marlas Barani.
	2365	
	2539	1-13 Marlas Barani.
	2365	
	2365	1-14 Marlas Banjar
	377	Kadim.
Total	4	4 Kanals and 18 Marlas.

Sd/-
Under Secretary.

भाग 5—वैयक्तिक अधिसूचनाएं और विज्ञापन

ब्रह्मदत्त श्री कुलदीप चन्द सूद B.A.L.L.B., सब-जज, ठियोग

जिला शिमला, हिमाचल प्रदेश

दी एच 0 पी 0 स्टेट कोऑरेटिव बैंक लिमिटेड

मुद्दा

बनाम

मेसर्स बरकत दास भगत राम, नारकन्डा

भगत राम पुत्र बरकत दास, नारकन्डा

नेकराम पुत्र बरकत दास, नारकन्डा

सुखनन्द पुत्र बरकत दास, नारकन्डा

दस्तावेज अजराय डिग्री मुकदमा नं 0 168/10 of 72

इस्तहार आर्डर 21, कायदा 66

बनाम

• भगन राम मदनून् वगैरा ।

क्योंकि इस न्यायालय को विश्वास हो चुका है कि उपरोक्त निवादिगण की नामीन होनी असम्भव है। अतः इसके लिए u/o 5, रूल 20 C.P.C. का इस्तहार जारी किया जाता है कि मुकदमा में दी० एच० पी० स्टेट कोप्रेटिव बैंक लिमिटेड डिग्रीदार ने वास्ते निलाम जायदाद गैरमनकूला दरखास्त गुजारी है। लिहाजा आप को इतलाह दी जाती है कि तिथि 26-6-73 को इस बारे कोई एनराज हो तो पेश करें।

आज तिथि 11-6-73 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर

कुलदीप चन्द सूद,
सब-जज टियोग।

न्यायानय श्री ए० एन० बैचा, सीनियर सब-जज महोदय, कांगड़ा स्थान धर्मशाला।

प्राप्त करने सर्टिफिकेट जानकारी
मुकदमा नं० 25 साल 1973

श्री लक्ष्मी दत्त, केदारनाथ, ओम प्रकाश, सोमन नाथ, कृष्ण दत्त पियरान दलबू राम, जान ब्राह्मण, गांव सुकड़, तहसील व जिला कांगड़ा।

बनाम

सर्व जनता।

मुकदमा मन्दरजी अनवान वाला में सायल ने दरखास्त हसूल सर्टिफिकेट जानकारी न्यायालय में गुजारी है। अतः वजरिया इस्तहार हुआ हर खास व आम को सूचित किया जाता है कि यदि इस की निस्वत कोई उजर हो तो तिथि 3-7-1973 हाजर न्यायालय होकर पेश करें। वमूरत दीगर कारवाई जान्ता अमल में लाई जावेगी।

आज व तारीख 11-6-73 जारी हुआ।

मोहर

ए० एन० बैचा,
सीनियर सब-जज।

PROCLAMATION UNDER ORDER 5, RULE 20, C.P.C.

Before Shri Surendra Prakash M.A., LL.B., Rent Controller,
Simla, Himachal Pradesh

PETITION No. 60 OF 1973

Smt. Shakuntla Devi wife of Shri Duni Chand Sud,
resident of top-most flat, 59/61, Lower Bazar, Simla.
..Petitioner.

Versus

1. Shri Rajinder Kumar c/o Shri Ram Advani, Advani
Book Depot, Book Sellers, Hazrat Gunj, Lucknow.

2. Smt. Shakuntla Devi m/o Shri Rajinder Kumar c/o
Shri Ram Advani, Advani Book Depot, Book Sellers,
Hazrat Gunj, Lucknow.

3. Shri Jagadhar Ram Sharma, Kabari, House No. 2,
Alley No. 15, The Mall, Simla.

..Respondents.

Application under section 14 of the H. P. Urban Rent
Control Act, Act 23 of 1971.

To

Shri Rajinder Kumar c/o Shri Ram Advani, Advani
Book Depot, Book Sellers, Hazrat Gunj, Lucknow.

WHEREAS in the above noted case the service of
Shri Rajinder Kumar respondent No. 1 cannot be
effected in the ordinary way and he is evading services
of notices. Notice is hereby given that he should appear
in this court on 25-6-1973 at 10.00 a.m. to defend the
application filed against him by the petitioner. In case
of default the proceedings will be heard exparte against
him.

Given under my hand and the seal of the court, this
11th day of June, 1973.

Seal.

SURENDRA PRAKASH,
Rent Controller,
District Simla.

भाग 6—भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन

सूच्य

भाग 7—भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं

तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं

ELECTION DEPARTMENT
NOTIFICATION

Simla-2, the 18th April, 1973

No. 3-10/73-Elec.—The Election Commission of India's
Notification No. 82/5 of 1972/HP-LA/73, dated the
31st March, 1973/Chaitra 10, 1895 (Saka), containing
the order, dated the 8th March, 1973, of the High
Court of Himachal Pradesh at Simla in Election Petition
No. 5 of 1972, is hereby published for general information.

By order,
L. TOCHHAWNG,
Chief Electoral Officer.

ELECTION COMMISSION OF INDIA

NOTIFICATION

Ashoka Road, New Delhi-1, the 31st March, 1973/Chaitra
10, 1895 (Saka)

No. 82/5 of 1972/HP-LA/73.—In pursuance of section
106 of the Representation of the People Act, 1951 (43
of 1951), the Election Commission hereby publishes the
order, dated the 8th March, 1973 of the High Court of
Himachal Pradesh at Simla in Election Petition No. 5
of 1972.

IN THE HIGH COURT OF HIMACHAL PRADESH SIMLA-1

E.P. 5/72.

Date of Decision: March 8, 1973.

Shri Harnam Singh—Petitioner, through Mr. P.N. Nag, Advocate.

Versus

Shri Babu Ram and another—Respondents, through Sarvshri S. Malhotra and Ramesh Chand Advocates.

For approval and signature:

The Hon'ble Mr. Justice CHET RAM THAKUR

The Hon'ble Mr. Justice

1. Whether approved for reporting?
2. Whether there are remarks about the quality of the judgment of the Court of Officer?

CHET RAM THAKUR J. (ORAL)

This election petition has been filed by Shri Harnam Singh challenging the election of Shri Babu Ram, respondent No. 1 to the Himachal Pradesh State Assembly.

Shri Babu Ram, respondent No. 1 had contested elections to the Vidhan Sabha from 28—Nadaun Assembly Constituency. The election results were declared on 12-3-1972. The other candidate to the election opposing respondent No. 1 was respondent No. 2. Respondent No. 1 was declared elected securing 7,424 votes as against 5,797 polled by respondent No. 2.

The petitioner is an elector in the constituency from which respondent No. 1 contested the election and was declared elected. He has challenged the election on a number of grounds. He has alleged that the respondent No. 1 had indulged in corrupt practices inasmuch as he did not include in his election expenses, the amounts totalling Rs. 14,025 as detailed in para 5 of the petition and that the expenditure incurred by the respondent No. 1 exceeded the permissible limit allowed by the statute to be incurred by a candidate on his election. Further, it was alleged that respondent No. 1 was guilty of having offered bribe of different amounts to different persons, as detailed out in para 6, inducing those person to vote and also to do election campaign for him. Further, that the respondent No. 1 was guilty of corrupt practices of undue influence, inasmuch as he threatened some of the voters, whose names are given in the petition, with dire consequences, if any of them voted for respondent No. 2. Respondent No. 1 was also guilty of corrupt practices inasmuch as he made false statements as to the character of respondent No. 2 both in his personal capacity as well as his political character, with a view to lower his image amongst the electors so that he may not secure votes from the voters. It was also one of the allegations that he was guilty of corrupt practice inasmuch as he himself made systematic appeal to voters to vote and refrain from voting on grounds of caste, race or community in order to further his prospects of winning election. It was also averred that the result of the election, in so far as respondent No. 1 was concerned, has been achieved due to irregularities and illegalities committed by him and his agents. The petitioner, therefore, prayed for setting aside the election on the ground that the election was void on the grounds mentioned above. He also prayed that respondent No. 1 be disqualified from further contesting the election.

Respondent No. 1 filed his written statement and raised a number of preliminary objections, giving rise to several preliminary issues, which were decided, vide my

order, dated the 25th September, 1972. He denied the allegations of corrupt practices levelled against him in the petition. Therefore, the only issue that arose in the case between the parties was framed as under:—

“Whether the respondent No. 1 is guilty of all or any of the alleged corrupt practices, as detailed in paras 5 to 11 (excluding the portions that had been ordered to be ignored or struck off, vide order of today) of the election petition? If so, its effect?” (O.P.P.)

The case was listed for evidence of the petitioner, for 18th and 19th January, 1973, before which date respondent No. 2 submitted an application, registered as EMP/28/72, purporting to be one under section 80A read with section 86(7) of the Representation of People Act, for trial of the petition and in order to enable him to lead the evidence at Camp Hamirpur. Again, an application, registered as EMP 31/72, was filed by the counsel for the petitioner under aforesaid sections for holding the sitting of the Court at Hamirpur and examine the witnesses there. Both these applications were rejected, vide my order, dated the 27th December, 1972, and the evidence was ordered to be summoned for the dates already fixed and the petitioner was directed vide this very order, whereby the elections were rejected, to file the list of witnesses and documents within a particular period and if he wanted the witnesses to be summoned through the Court he was directed to take *dasti* orders. Instead of complying with the orders of the Court, the petitioner, filed another application, registered as EMP 1/73 making the same prayer, as already made previously for summoning the witnesses to give their evidence at Hamirpur, Bhota or Bharoli in District Hamirpur. This application was also rejected vide my order, dated 5-1-1973 on the grounds on which the earlier applications had been rejected.

The case came up for the evidence of the petitioner on the 18th January, 1973, on which date there was no evidence produced by the petitioner nor had he summoned any.

The counsel for the petitioner submitted that efforts for a compromise were going on and that in why he did not bring his evidence. On this submission one more opportunity was given to the petitioner for production of his evidence on his own responsibility for the 5th March, 1973. On 5th March, 1973, the petitioner stated that he could not produce the witnesses here at Simla for the reasons already stated in his petition which has since been rejected and that now the case may be decided. The counsel for the petitioner made a submission that in case the petition is dismissed his client may not be burdened with costs.

In the absence of any evidence it is quite apparent that the petition cannot be allowed. The submission made by the learned counsel for respondent No. 2 was that the matter of election petition was one between the Court and the public and, therefore, if the petitioner had failed to produce any evidence the Court was duty bound to summon the evidence. But there is no such provision which makes it obligatory on the Court to summon evidence if the petitioner does not pay the process fee and road and diet money for the witnesses. The learned counsel for respondent No. 2 had drawn my attention to section 96 of the Representation of the People Act. This section deals with the expenses of witnesses, but it does not authorise the Court to meet the expenses or to pay the same from any other source. The costs from the security can only be allowed after the final decision of the case and I do not think if this section is relevant for the present purposes. The Court has no option but to dismiss the election petition where

the petitioner fails to comply with the orders of the Court or to cause the production of the witnesses or to take any other steps necessary for the furtherance of the proceedings before the Court. The petition under these circumstances has got to be dismissed under the provisions of Order XVII of the Civil Procedure Code. In support of this I rely on *Jugal Kishore s/o Lal Chand Vs. doctor Baldev Parkash* (AIR 1968 Punjab and Haryana 1952) wherein it has been held:—

“Whether the petitioner chooses to simply absent himself from the Court or ceases to give any instructions to the Council engaged by him or fails to deposit the process fee and the diet money for witnesses to take the necessary steps for summoning the witnesses the Court will have no option but to dismiss the election petition under the provisions of the Code of Civil Procedure which would be applicable to the election petition in the absence of any express provisions in the Act. The dismissal will have to be under the provisions contained in order 9 or order 17 of the Code”.

The submission of the learned counsel for respondent No. 2 is not of any relevance, inasmuch as he is not at all a necessary party, moreover there is no issue, the onus of which had been placed on him. Even the petitioner has not made any prayer that respondent No. 2 may be declared duly elected after the election of respondent No. 1 is set aside as being void.

The next question is about the costs. The petitioner's learned counsel has made a prayer that in case of dismissal of the petition, costs may not be awarded against his client. On the other hand, the learned counsel for respondent No. 1 contends that his client has unnecessarily been dragged to the Court and his client had to incur quite a heavy amount on his defence and, therefore, he was entitled to be allowed costs. Under section 119 of the Representation of the People Act, costs are discretionary with the Court, but the discretion must be exercised judiciously. The petition is being dismissed without going into the merits of the case and the respondent had not to incur any other expense except by way of fee to his counsel and the petitioner who appears to be a poor man had also to spend a lot, and in view of the fact that the case is being dismissed at an early stage without going into the merits, it would be appropriate if the parties are left to bear their own costs.

For the above, I, therefore, dismiss this petition, leaving the parties to bear their own costs.

The security amount shall be refunded to the petitioner in accordance with Law.

CHET RAM THAKUR, J.

March 8, 1973.

By order,

(B. N. BHARDWAJ)

Secretary to the Election
Commissioner of India.

Simla-2, the 21st May, 1973

No. 3-14/73-Elec.—The Election Commission of India's notification No. 82/4 of 72/HP-LA/73, dated the 30th April, 1973, containing the Judgment dated the 18th January, 1973, of the High Court of Himachal Pradesh at Simla in Election petition No. 4 of 1972, is hereby published for general information.

By order,
L. TOCHHAWANG,
Chief Electoral Officer,
Himachal Pradesh.

ELECTION COMMISSION OF INDIA

NOTIFICATION.

Ashoka Road, 1-New Delhi, the 30th April, 1973

No. 82/4 of 72/HP-LA/73.—In pursuance of section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the Judgment dated the 18th January, 1973 of the High Court of Himachal Pradesh at Simla in Election Petition No. 4 of 1972.

IN THE HIGH COURT OF HIMACHAL PRADESH AT SIMLA ELECTION PETITION NO. 4 OF 1972

Date of Decision: 18th January, 1973.

Sadhu Ram, Nemo: Vs. Hira Singh Pal,
through Shri H. S. Thakur,
Advocate.

For approval and Signature:

The Hon'ble Mr. Justice: D.B. Lal, J.

The Hon'ble Mr. Justice:

1. Whether approved for reporting?
2. Whether there are remarks about the quality of the Judgment of the Court of Officer?

D. B. LAL, J.

Sadhu Ram one of the electors of 9-Arki Legislative Assembly Constituency, has preferred this election petition under section 80 read with section 100 of the Representation of the People Act, 1951, for declaring the election of respondent No. 1 Shri Hira Singh Pal from the said constituency to be void.

The allegations made in the petition are, that the respondent No. 1 Shri Hira Singh Pal along with respondents 2 to 5 Sarvshri Beli Ram, Karam Chand, Kameshwar Pandit and Hari Dass were candidates for 9-Arki Assembly Constituency and had filled in their nomination papers. As a result to election, Shri Hira Singh Pal respondent No. 1 was declared elected on 11th March, 1972. The grievance of the petitioner is that the nomination papers of Beli Ram respondent No. 2 and Karam Chand respondent No. 3 were improperly accepted and as a result to that the election, in so far as it concerned the returned candidate, was materially affected. It is stated that both Beli Ram, respondent No. 2 and Karam Chand respondent No. 3 were Government contractors and suppliers upto the date of acceptance of their nomination papers. The contracts were obtained by them in the course of their trade or business and these contracts related to the supply of goods to or for the execution of any works undertaken by the Government. For Beli Ram respondent No. 2, it is stated that he supplied material to the Public Works Department including doors and cases. While for Karam Chand respondent No. 3 it was stated that he had the subsisting contracts for the construction of a Kuhl in Village Ganana for the water supply scheme of Shoria Mangu Panchayat and for the construction of a retaining wall, in Tehsil Arki. The respondents 2 and 3, according to petitioner, were disqualified under section 9-A of the Act of 1951 and their nomination papers should not have been accepted by the Returning Officer. According to petitioner, the votes secured by respondents 2 and 3 would have gone to Hari Dass respondent No. 5 and in that contingency Hira Singh Pal respondent No. 1 would not have succeeded in the election.

It is also contended by the petitioner that Hira Singh Pal respondent No. 1 procured the assistance of a gazetted officer namely Tehsildar of Arki for the furtherance of his prospectus as a candidate in the election. Similarly he procured the assistance of his son Puran Chand who is also a Government employee and belongs to a class prescribed by the Government for purposes of section 100 (7) (g) of the Act of 1951. Because of the assistance which Hira Singh Pal respondent No. 1 obtained from these two officers of the Government, he committed a corrupt practice within the meanings of section 123(7)(a) and (g) of the Act of 1951. Since he committed a corrupt practice his election is liable to be declared void under section 100 (1) (b) of the Act of 1951. Similarly his election is liable to be declared void under section 100(1)(d)(i) of the Act of 1951. The petitioner further contended that the respondent No. 2 Beli Ram also engaged the services of the Headmaster of Basantpur School whom he appointed as Polling Agent. This plea of the petitioner appears to be futile because he has never sought the relief of getting a declaration in favour of any other candidate to have been duly elected in place of Hira Singh Pal respondent No. 1. Besides, whatever corrupt practice Beli Ram respondent No. 2 committed, would not adversely affect the election of Hira Singh Pal respondent No. 1.

On these allegations, the petitioner prayed for the declaration of the election of Hira Singh Pal respondent No. 1 as void for 9-Arki Assembly Constituency.

The respondents No. 1, 2, 4 and 5 submitted their written statements.

The respondent No. 1 controverted all the allegations made by the petitioner. He also raised preliminary objections which were to the effect that the petitioner has not furnished proper address as required under the High Court Rules and as such the petition was liable to dismissal, that the petitioner has not paid the security as required under section 117 of the Act of 1951 that full particulars of corrupt practice were not given by the petitioner as provided under section 83 (1) (a) (b) of the Act of 1951, and that the petition is not accompanied by an affidavit in the prescribed form in support of the allegations of corrupt practice and is liable to dismissal. Besides these preliminary objections, the respondent No. 1 contended that the respondents 2 and 3 were not Government contractors and suppliers and therefore it could not be stated that their nomination papers were improperly accepted. Besides that according to respondent No. 1, whatever votes were secured by respondents 2 and 3 would have been secured by him and not by Hari Dass respondent No. 5. Therefore, the result of the respondent No. 1 was not materially affected by the candidature of respondents 2 and 3. In fact, the respondent No. 1 has been defeating respondent No. 5 in successive elections by overwhelming majority. It is, therefore, wrong to state that the respondent No. 5 Hari Dass would have succeeded had not respondents 2 and 3 stood in the election. The respondent No. 1 denied that he procured any assistance from the Tehsildar, Arki or from his son Puran Singh who is wrongly named in the petition as "Puran Chand". He submitted that no help was taken from these Government Officers and as such the respondent No. 1 did not commit any corrupt practice during the election.

The respondent No. 2 contested on the allegations that he was never a Government contractor or supplier and his contracts were not subsisting on the date of filing of nomination paper. As such, he was not disqualified under section 9A of the Act of 1951. However, he stated that respondent No. 3 was no doubt a Government contractor and supplier, and because of the acceptance of the nomination paper of this respondent, the

respondent No. 2 lost his chance of being elected. It was denied that the respondent No. 2 ever employed the services of any Headmaster of Basantpur School.

The respondent No. 4 affirmed with the petitioner that respondents 2 and 3 had subsisting contracts with the Government and as such their nomination papers were improperly accepted. He blamed respondent No. 1 for making false propaganda against him and thereby improving his chances of success. He, therefore, prayed that the election of respondent No. 1 be declared void.

The respondent No. 5 Hari Dass supported in toto the petitioner and wanted the election to be declared void.

In his rejoinder, the petitioner denied that he was set up by respondent No. 5 Hari Dass to file the election petition. He reiterated the stand taken by him in the petition and denied that the petition could be rejected on any preliminary objection.

As a result to the written statements filed by respective respondents, the following issues were framed for the decision of the petition:—

Issue No. 1.—Whether the petitioner has not furnished his proper address as required under the High Court's Rules framed under the Representation of the People Act, 1951. If, so, does the petition deserve dismissal on this account?

Issue No. 2.—Whether the petitioner has not paid the security as required under section 117 of the Representation of People Act, 1951 read with rule 23 of the Rules of this Court. If so, its effect?

Issue No. 3.—Whether the petition does not contain concise statement of the material facts on which the petitioner relies, and whether full particulars of any corrupt practice that the petitioner alleges have not been given as provided under section 83 (1) (a) (b) of the Representation of People Act, 1951. If so, its effect?

Issue No. 4.—Whether the petition is not accompanied by an affidavit in the prescribed form in support of the allegations of corrupt practices and the particulars thereof, as provided under section 83 of the Representation of the People Act, 1951. If so, its effect?

Issue No. 5.—Whether there has been an improper acceptance of the nomination papers of respondents 2 and 3 on account of the facts alleged by the petitioner in paragraphs 5 and 6 of the petition. If so, has the result of the election, in so far as it concerned the respondent No. 1 been materially affected? Can the election of the respondent No. 1 be declared void on any such ground? and,

Issue No. 6.—To what relief, if any, is the petitioner entitled?

FINDINGS

Issue No. 1, 2, and 4.—These preliminary issues have been disposed of by me vide my order dated 25th August, 1972. The petition is not dismissed for any such preliminary objections.

Issue No. 6.—On 1st November, 1972 Issues No. 5 and 6 were framed in the presence of the petitioner and he was asked to lead evidence on 5th and 6th December, 1972. On that date the learned counsel for the petitioner requested for adjournment as the petitioner was reported sick and hence no steps were taken by him for summoning his witnesses. Accordingly, 22nd December, 1972 was fixed for the recording of evidence. Again the petitioner did not summon any witnesses and on the date fixed his counsel Shri M. G. Chitkara stated that he had no instructions from the petitioner and wanted to withdraw from the case. The Court granted him permission to withdraw and since the petitioner was absent and he had sought adjournment on the previous date for summoning his witnesses, the evidence of the petitioner was closed. The respondents were given 26th December, 1972 to examine their witnesses. The evidence was recorded on 27th December, 1972 and besides respondent No. 1, the petitioner as well as other respondents were found absent. Hira Singh Pal respondent No. 1, gave his statement on this date. He denied all the allegations made in the petition. He stated that Beli Ram and Karm Chand (respondents No. 2 and 3) were not Government contractors and suppliers on the date they filed their nomination papers. He further stated that because of the candidature of these respondents, his own votes were affected and not the votes of anyone else. Had not these two respondents stood in the election, their votes would have gone to him. According to respondent No. 1, at any rate, Hari Dass respondent No. 5 had no chance of success. He reiterated that in the elections of 1952 and 1967, he had defeated Hari Dass by a comfortable majority. Similarly he defeated him in the disputed election of 1972. The respondent denied that any work was done for him during the election by the Tehsildar of Arki or by his son Puran Singh. Therefore, the respondent submitted that his election was not affected, what to say materially affected, by the acceptance of the nomination papers of respondents 2 and 3.

It is abundantly clear that the burden of proof lay upon the petitioner to establish that the election of the respondent No. 1 was materially affected in his favour by improper acceptance of the nomination papers of respondents 2 and 3. In the first instance, it was for him to prove that the respondents 2 and 3 were Government contractors and suppliers on the date they filed their nomination papers. Similarly it was for the petitioner to prove that the Tehsildar, Arki or Puran Singh did the election work for Hira Singh Pal and in any manner improved his prospects in winning the election. Since the burden of proof lay upon the petitioner and other respondents and they have failed to discharge that burden the respondent No. 1 has to be believed.

It is, therefore, not proved that the nomination papers of respondents 2 and 3 were improperly accepted or that the acceptance of such nomination papers, in any manner materially affected the result of the election in favour of the returned candidate Hira Singh Pal. Similarly it is not proved that any corrupt practice within the meaning of section 123 (7) of the Act of 1951 was committed by Hira Singh Pal respondent No. 1.

Issue No. 3.—In compliance to my order dated 25th August, 1972 (Appendix II), the petitioner was asked to furnish full particulars of the corrupt practice alleged by him, it was considered that the contents of the petition were deficient under section 83 (1) (b) of the Act of 1951. The petitioner was asked to furnish such full particulars within one month from the date of that order. As evident from my order dated 26th October, 1972,

the petitioner did not give full particulars and therefore the petition itself is rendered defective under section 83 (1) (b) of the Act of 1951.

Besides this, I have already held under Issue No. 5 that whatever meagre and perfunctory allegations of corrupt practice are made in the petition, because obviously no fuller particulars are given by the petitioner, the same are not proved by any evidence. Therefore, the allegations regarding corrupt practice have also remained unsubstantiated, as held above.

Issue No. 6.—The present decision is on merit under Order 17, Rule 3 of the Civil Procedure Code which is applicable to election petitions under section 87 of the Act of 1951. The petitioner sought for an adjournment to produce his evidence and to cause attendance of his witnesses. He failed to appear on the next date fixed and as such the decision of the petition is on merit. No relief can be granted to the petitioner.

ORDER

The election petition No. 4 of 1972 is dismissed. The corrupt practice under section 123 (7) (a) (g) of the Representation of the People Act, 1951, alleged against the respondent No. 1 Hira Singh Pal is not proved to have been committed by him.

The petitioner shall pay costs of this petition to the respondent No. 1 which are fixed at Rs. 1000/-.

A substance of the decision shall be communicated to the Election Commission and to the Speaker of the Legislative Assembly immediately, as required by section 103 of the Representation of the People Act, 1951. Thereafter an authenticated copy of the decision shall also be sent to the Election Commission.

18th January, 1973.

Sd/-
D. B. LAL,
Judge.

Compared
Sd/-

IN THE HIGH COURT OF HIMACHAL PRADESH AT SIMLA

EL.P. Nos. 3, 4, 9, & 11 of 1972

Date of Decision: 25th August, 1972.

(1) EL.P. 3/72 Beli Ram, through M/s. H.S. Thakur & Bhawani Singh Advocates,

Versus

J.B.L. Khachi, through M/s Chhabil Dass and H. K. Bhardwaj. Advocates.

(2) EL.P. 4/72 Sadhu Ram Through Suri M.G. Chitkara. Advocate.

Versus

Hira Singh Pal through M/s H. S. Thakur and S. S. Ahuja Advocates.

(3) EL. P. 9/72 Satya Dev Buhari Through Shri Chhabil Dass Advocate.

Versus

Amrit Singh Rathore, through M/s. S. Malhotra & H. K. Bhardwaj Advocates.

(4) EL. P. 11/72 Daulat Ram Sankhayan Through Shri Chhabil Dass. advocate.

Versus

Kuldip Singh Through Shri S. Malhotra, Advocate.

For approval and Signature
The Hon'ble Mr. Justice
The Hon'ble Mr. Justice

D.B. Lal, Judge.

1. Whether approved or reporting? Yes
2. Whether there are remarks about the quality of the judgment of the Court of Officer?

Coram:—

D.B. LAL J.

These are four election petitions Nos. 3/72, 4/72, 9/72 and 11/72, and the respondents have raised certain preliminary objections for which issues have been framed. The respective parties were called upon to produce evidence in respect of these issues. Since most of the issues deal with common questions of law and facts, the four petitions have been consolidated and connected and a single judgment disposes of such preliminary issues.

Issue No. 2 of petition No. 3/72;

Issue Nos. 3 and 4 of petition No. 4/72;

Issue Nos. 2 and 3 of petition No. 9/72; and

Issue Nos. 1, 2, 3 & 4 of petition No. 11/72.

These preliminary issues relate to defects pointed out under section 83 of the Representation of People Act, 1951. It has been stated that a concise statement of material facts [Section 83 (1) (a)] have not been provided as required by this section. It has been further stated that the affidavits filed in support of the allegations of corrupt practice are not in the prescribed forms. It is also a plea in one of the petitions, No. 11/72, that the annexure submitted with the petition has not been signed and verified in manner laid down in the Code of Civil Procedure [Section 83 (1) (a)].

It is abundantly clear from section 86 that any defect pointed out in the petition with reference to section 83 is not fatal to the petition. Section 83 is, no doubt mandatory and requires the election petition to contain, first, a concise statement of material facts, and then requires the fullest possible particulars. The word "material" shows that the facts necessary to formulate a complete cause of action must be stated. Omission of a single material fact leads to an incomplete cause of action and the statement of claim becomes bad. The function of particulars is to present as full a picture of the cause of action with such further information in detail as to make the opposite party understand the case he will have to meet. The material facts will shwon the ground of corrupt practice and the complete cause of action and the particulars will give the necessary information to present a full picture of the cause of action. (See: Samant N. Balakrishana Vs. George Fernandez-A.I.R. 1969 S. C. 1201). Another case of the Supreme Court which is latest is reported in Raj Narain Vs. Shrimati Indira Nehru Gandhi (A.I.R. 1972 S. C. 1302). Their Lordships have reiterated the previous view and have further held that any defect in the supply of material facts and particulars so as to hold that a cause of action is not made out, is not curable by supply of such facts and particulars at a later stage and after the expiry of the period of limitation prescribed for submitting an election petition. I have, therefore to keep guard against this, that material facts and particulars now sought to be supplied cannot be made to set up a fresh cause of election now available to the petitioners, on the dates they submitted their election petitions. It is manifest, that the four election petitions cannot be dismissed on this preliminary ground, because one or more

causes of action are set out in each petition and material facts and particulars of corrupt practice for such cause of section are already available. It is only in respect of some causes of action that full particulars are required to be given, which I have specified in the several appendices given at the end of this judgment and which are part of the judgment. These further particulars are required to be given by the petitioners concerned, accompanied by proper affidavits duly signed and verified in the manner laid down in the Code of Civil Procedure as provided under section 83, within a period of one month; failing that, the petitioners would not be entitled to furnish any such further particulars, with the result consequence of a decision in favour or against them relating to the election petition.

It has further been contended in some of the election petitions that a proper affidavit has not been filed for the corrupt practice alleged by the petitioner. The proviso to section 83 (1) is not mandatory. Failure to file an affidavit or any defect found in affidavit already filed, have not been considered fatal to the petition. It has been held that a proper affidavit can be submitted at a later date. In this connection, reference can be made to Bhikali Keshava Joshi Vs. Brij Lal Nand Lal Bivani (A.I.R. 1955 S.C. 610), Gadipalli Parayya Vs. Boyiri Rajayya (Election Law Reports Vol. XII 1956), Brij Mohan Dass aggarwal Vs. Z. A. Ahmad (A.I.R. 1964 Allahabad 523) N/P. Chegalaraya Naidu Vs. G.N. Pattabi Reddi (A.I.R. 1964 Andhra Pradesh 164), Jildar Ram Vs. Gouri Shankar Pandey (A.I.R. 1965 Patna 440), and Murarka Radhey Shyam Ram Kumar Vs. Roop Singh Rathor (A.I.R. 1964 S.C. 1545).

If in any petition the affidavit submitted substantially complies with Form-25 read with rules 94 A of the Conduct of Election Rules, 1961, the said affidavit shall be considered proper and in prescribed form.

In election petition No. 9/72, and amended affidavit has been filed, but the same refers to the original paragraphs specified in the petition and to that extent the amended affidavit seems to be correct. At the same time the petitioner seeks amendment in the serial numbers of paragraphs, themselves and if these amendments are allowed, the new affidavit shall be rendered defective. The petitioner shall now correct this mistake and get the paragraphs enumerated again and file fresh affidavit, with reference to such paragraphs with in a period of one month.

In election petition No. 11/72, the affidavit filed is not in the prescribed form and, therefore, such an affidavit should now be filed within a period of one month from the date of this order.

In election petition No. 4/72, the affidavit filed appears to be correct and no fresh affidavit need be filed.

In case, the affidavit sought for are not filed within a period of one month from the date of this order, the legal consequences shall follow affecting the decision of the election petition.

In election petition No. 11/72, it has been objected that the two annexures filed with the petition are not signed and verified as required under section 83(2). These annexures are, in fact, document on which the petitioner relies and, therefore, no question should arise regarding the verification by the petitioner of the correctness of their contents. The annexures are no doubt signed by the petition and so he owns upon himself the responsibility of filing them. The verification was, in fact, not required, because these annexures do not

contain any facts on which the petitioner relies as being correct.

Issue No. 1 of election petition No. 9/72 &
Issue No. 5 of election petition No. 11/72.

The objection in petition No. 9/72, is that the petition itself cannot be considered to be duly signed and verified because the copy supplied to the respondent does not show the paragraph relating to verification. The petition itself, in this case, is duly signed and verified but the copy supplied to the respondent does not show the verification clause, leading to an inference that a true copy has not been supplied to the respondent. When the verification defect pointed out in section 83(1)(c) was curable, as held above, how can the absence of verification in the copy supplied to the respondent be considered fatal to the petition? The objection has become somewhat involved because section 81 is mentioned in section 86 and a defect pertaining to section 81 is *prima facie* a fatal defect as provided in section 86.

The real test in situation of like nature, is the mis-understanding which is likely to be created in the mind of the respondent because of defective copy supplied to him.

If no such mis-understanding can be inferred, the defect is not held fatal to the petition. In *Dr. Anup Singh Vs. Abdul Ghar* (A.I.R. 1963 Punjab 429), each copy was not attested to be a true copy of the petition and was only endorsed as a true copy signed by the petitioner. It was held that sufficient compliance was made and no mis-understanding was created in the mind of the respondent. The defect was not held fatal, in *Krishan Goyal Vs. Purshottam Lal Badhwar* (A.I.R. 1964 Allahabad 363) a similar defect was pointed out; but it was held that the petition could be not dismissed. In *Ch. Subbarao Vs. Member, Election Tribunal, Hyderabad* (A.I.R. 1964 S.C. 1027) substantial compliance of section 81(3) was considered sufficient. There was absence of words "true copy" in the copy. It was held that the defect was not fatal. A distinction was drawn between complete non-compliance with the provisions and substantial compliance of the same provisions. If a substantial compliance is detected, the defect is not considered fatal the last case of the series is reported in *Murarka Radhey Shyam Ram Kumar Vs. Roop Singh Rathore* (A.I.R. 1964 S.C. 1545). It was observed that the word "copy" in sub section (3) of section 81 does not mean an absolutely exact copy, but means that the copy shall be so true that no body can by any possibility mis-understand it. The test whether the copy is a true one is whether any variation from the original is calculated to mislead an ordinary person. In the instant case, the petition itself is properly verified and even if the copy does not contain the verification, there is no question of any misleading to the respondent. He was made aware of the contents of the petition and he could prepare himself for a defence. Therefore, such a defect found in the copy is not fatal to the petition.

In petition No. 11/72 issue No. 5 has been withdrawn by the learned counsel because the annexures themselves did not show verification and so the copies of such annexures supplied to the respondent could not exhibit any such verification.

Issue No. 2 of election petition No. 4/72;
Issue No. 5 of election petition No. 9/72;
Issue No. 6 of election petition No. 11/72.

The objection on behalf of the respondents is, that the security has not been deposited as required under section 117 of the Act. High Court Rules 23 and 27 would be relevant in this connection. According to rule 23, the security for costs is to be paid in cash and deposited with the cashier during the hours in which the cash business of the High Court is conducted. A separate ledger folio is opened in respect of each party. The amount so deposited is credited to the Civil Court Deposit Account. Receipts are issued by the cashier to the persons depositing the amount. Rule 27 contains the power which the High Court exercise to relax the compliance of any particular rule and in that respect, the High Court can give directions to meet the ends of justice. It is submitted by the respondents that the security was not paid in cash to the cashier. Similarly receipts have not been issued to the persons depositing security. In petitions Nos. 4/72 and 11/72, Shri K. P. Bose, Superintendent (Accounts) was examined as witness for the petitioner. He stated in petition No. 11/72 that no post of cashier is sanctioned as such. One, Shri Madan Lal, Assistant, discharges the duties of the cashier. The petitioners came to deposit the amount in cash with Shri Bose or Shri Madan Lal Assistant, but either of them informed the petitioners that they should fill up necessary challans and deposit the amount in the State Bank. Accordingly, the challans Ex. P. 1. (petition No. 11/72) and Ex. P. 2 (Petition No. 4/72) were prepared and signed by Shri K. P. Bose. These challans disclose that the amount was deposited by the petitioners on behalf of the Registrar of the High Court and the full particulars of remittance were: "security for cost of election petition entitled....." The amount specified is Rs. 2,000/- and the head of account is as follows:—

"P-Deposits & Advances-Judicial Deposit-Departmental deposit-Civil deposits-Civil Courts deposits". Shri K. P. Bose has proved these challans. In the petition No. 9/72 the learned counsel for the petitioners relied upon a similar challan marked Ex. P. 1 in that petition. It is abundantly clear from this challan that the deposit was made on behalf of the Registrar of High Court of Himachal Pradesh and that the amount was credited to the Civil Court deposit Account. The particulars of remittance were, no doubt, security for cost of election petition. It is, therefore, manifest that the amount was deposited under a proper head of account and that it was available for payment as security towards costs awarded in the election petition. Shri K. P. Bose admitted that the Civil Court deposits account is invariably opened in the name of the Registrar of the High Court. This being position, a substantial compliance of section 117 has been made. The amount has been deposited under a proper head of account and is available to the Court for payment as security to be awarded in the election petition. *Om Prabha Jain Vs. Gian Chand* (A.I.R. 1959 S.C. 837) is almost a parallel case supporting the petitioners. The dicta of the Court is clear from the following paragraphs:—

"Where there was no dispute that the petitioner deposited the required amount and enclosed a deposit receipt with his petition but the deposit receipt filed by the respondent contained the following statements "(1) By whom tendered....; (2) Name of the person on whose behalf money is paid." and the contention was that the receipt in this form showed that the money had been paid by the petitioner acting for the secretary to Election Commission and not by him in favour

of the letter, and hence S. 117 was not complied with;

Held that as the form of the receipt contains no other heading for indicating the person in whose favour the money was paid and as it was paid in favour of somebody, that made it perfectly clear that the words "on whose behalf" meant in whose favour. The money was thus properly deposited in favour of the Secretary and was thus in full compliance with S. 117."

In the instant case, the amount was paid on behalf of the Registrar of the High Court. It was deposited in a proper head of account and was no doubt available to the High Court for payment to the respondents. This was a substantial compliance of section 117 and the petitions cannot be dismissed on that account.

The same view was followed in *Chandrika Prasad Tripathi Vs. Shiv Prasad Chanpuria* (A.I.R. 1959 S.C. 227) and *K. Kamaraja Nadar Vs. Kunja Thevar etc.* (A.I.R. 1958 S.C. 687). The learned counsel relied on *Sudhansu Sekhar Pande Vs. Natendra Nath Das* (A.I.R. 1958 Cal. 322) but in that case the deposit was not made in the correct head of account, nor as security for costs, and in those circumstances it was held that no substantial compliance was made of section 117. The facts regarding deposit of security in the instant petitions are different and, therefore, these petitions are not liable to rejection on any such ground.

Issue No. 1 of petition No. 4/72.

It was not disclosed in what manner a proper address was not furnished by the petitioner and, therefore, it is held that the petition does not suffer from any such infirmity.

Issue No. 4 of petition 9/72.

During the course of arguments, the learned counsel gave up the plea regarding limitation and hence this issue no longer arises for decision.

Issue No. 1 of petition No. 3/72.

The rule regarding production of election papers is 93 of the Conduct of Election Rules, 1961. It is manifest, the election papers including ballot papers can be opened for inspection under the order of a competent court. Section 87 of the Act provides that the trial of an election petition shall be held as nearly as may be in accordance with the procedure applicable under the Code of Civil procedure, 1908, to the trial of suits. In other words, provisions regarding inspection and discovery of documents contained in the Code of Civil Procedure can be conveniently imported in an election petition to facilitate a correct decision of such petition. The petitioner in election petition No. 3/72 wants that in the very first instance, re-counting of ballot papers should be permitted and, therefore, a preliminary issue has been framed, as to whether the petitioner can, in the first instance, ask for re-counting of votes before any other preliminary issue is entered into and decided.

There was an interesting controversy at the Bar as to whether the petitioner should be permitted to adduce evidence on this issue and it was contended that if the request of the petitioner is acceded to and the trial would be held in dribblets, as piecemeal evidence on material facts would be given at several stages to the detriment of either party. The objection of the respondent(s) was upheld and it was ordered that the contentions raised by the petitioner would be taken at their face value and assuming such contentions to be correct, it would be decided as to whether a *prima facie* case is made out calling for re-counting in the first instance.

It is settled law that re-counting cannot be claimed by any party as matter of right. In *Dr. Jagjit Singh Vs. Giani Kartar Singh* (A.I.R. 1966 S.C. 773), the learned Judges emphasised the vague or general allegations that valid votes were improperly rejected, or invalid votes were improperly accepted, would not serve the purpose which section 83 (1) (a) has in mind. An application made for the inspection of ballot boxes must give material facts which would enable the Tribunal to consider whether in the interest of Justice, the ballot boxes should be inspected or not. In dealing with this question, the importance of the secrecy of the ballot papers cannot be ignored, and it is always to be borne in mind that the statutory rules framed under the Act are intended to provide adequate safe guard for the examination of the validity or invalidity of votes and for their proper counting. Care must be taken to see that election petitioners do not get a chance to make a roving or fishing enquiry in the ballot boxes so as to justify their claim that the returned candidate's election is void. No hard and fast rule can be laid down in this matter; for, attempt to lay down such a rule would be in expedient and unreasonable. Their Lordships considered the scheme of the Act as well as the scheme of the rules prescribed in Part V of the Conduct of Election Rules, 1961 and emphasised the point that the election petitioner who is a defeated candidate, has ample opportunity to examine the voting papers before they are counted, and in case the objections raised by him or his election agent have been improperly over ruled, he knows precisely the nature of the objections raised by him and the voting papers to which those objections related. Therefore, arises the necessity of getting a complete opportunity regarding any such irregularity said to be committed by the persons conducting the election regarding improper acceptance or rejection of ballot papers. This dicta of the Supreme Court is reiterated in *Jitendra Bahadur Singh Vs. Krishana Behari* (A.I.R. 1970 S.C. 276). The ratio of that case can conveniently be quoted in the own words of their Lordships:—

"The basic requirements to be satisfied before an election tribunal can permit the inspection of ballot papers, are (1) that the petition for setting aside the election must contain as adequate a statement of the material facts on which the petitioner relies in support of his case and (2) the tribunal must be *prima facie* satisfied that in order to decide the dispute and to do complete justice between the parties, inspection of the ballot papers is necessary. The material facts required to be stated are those facts, which can be considered, as materials supporting the allegations made. In other words, they must be such facts as to afford a basis for the allegations made in the petition. If an election petitioner in his election petition gives some figures as to the rejection of valid votes and acceptance of invalid votes, the same must not be considered as an adequate statement of material facts when the petitioner has not disclosed in the petition the basis on which he arrived at those figures. His bald assertion that he got those figures from the counting agents of the unsuccessful candidate cannot afford the necessary basis.

In the instance case, the petitioner has simply enumerated the number of ballot papers said to have been improperly accepted or rejected and his basis of information for that is neither docket nor definite, and hence I am of opinion, that re-counting at the initial

stage should not be permitted. The allegations are contained in para 6 of the petition and amount only to reasonable apprehension that exists in the mind of the petitioner, as to the improper acceptance or rejection of any particular vote. Apart from this, some more material facts are required to be established before any re-counting can be resorted to. It would not be proper to give opportunity to the petitioner to conduct a re-voing and fishing enquiry as to the state of votes in any particular ballot box with a distant hope that he could find some votes in his favour to exceed the required number for winning the election. It was submitted by the learned counsel that a narrow-margin exists for the winning of the petitioner. But that by itself cannot be a ground for permitting re-counting at the initial stage. In my opinion, the allegations made out, do not raise even a *prima facie* case, at any rate at this stage, so that before deciding any other issue in the petition, re-counting should be made.

From that I have stated above, I should not be understood to mean that the petitioner has failed to make out a case for re-counting. He may succeed making out such a case at a later stage when proper evidence is recorded. If that is so, re-counting would certainly be ordered for the satisfaction of this Court. My finding

on this issue is therefore, only this, that a *prima facie* case for re-counting is not made out at the initial stage. Subsequently if a case for re-counting is made out, the same would be permitted in favour of the petitioner.

All the issues are, therefore, decided in the manner stated above. The costs incurred by respective parties for decision under these issued shall be costs in the petitions.

This judgment is being given in election petition No. 3/72 and shall form part of the record of the other election petitions. Copies of the decision shall be kept in the records of other election petitions.

D. B. LAL,
Judge.

25th August, 1972.

By order,

(B. N. BHARDWAJ),

Secretary to the Election
Commissioner of India.

अनुपूरक

(देखिये पृष्ठ 993 से 997)

PART I

PERSONNEL (A) DEPARTMENT

NOTIFICATION

Simla-2, the 26th. August, 1972

No. 1-3872-Appnt. (DP).—The Governor, Himachal Pradesh is pleased to order the following transfers and postings with immediate effect, in public interest:—

1. Shri P. J. S. Kumar, I.P.S., Himachal Pradesh Commandant (S.P.), Himachal Armed Police, Junga is transferred and posted as Superintendent of Police of newly constituted Una district with headquarters at Una;

2. Shri R. S. Pathania, a Select List Officer of I.P.S.; Deputy Superintendent of Police, CID, Himachal Pradesh, Simla, is promoted as Superintendent of Police and posted as Offg. Commandant (S. P.) Himachal Armed Police, Junga vice Shri P. J. S. Kumar; and
3. Shri Diwakar Prasad, I.P.S. Himachal Pradesh, Additional Superintendent of Police, Kangra is transferred and posted as Superintendent of Police of the newly constituted Hamirpur district with headquarters at Hamirpur.

S. S. SIDHU,
Joint Secretary.

Monthly Rainfall recorded at 72 Raingauge Stations in Himachal Pradesh for the
month of June, 1969

DAILY RAINFALL RECORDED IN HIMACHAL

[illegible]

PRADESH FOR THE MONTH OF JUNE, 1969

20th	21st	22nd	23rd	24th	25th	26th	27th	28th	29th	30th	31st	Number of rainy days	Normal No. of rainy days	Total rainfall for the month	Average rainfall for the month	Heaviest rainfall during the month	Total rainfall from 1-6-69 to 30-6-69	Normal rainfall from 1-5-69 to 31-5-69
21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39
—	—	—	—	11.2	—	—	—	—	—	—	M.M.	2	3.7	22.4	55.4	11.2	22.4	—
—	—	—	—	11.0	—	—	—	—	—	—	M.M.	3	—	44.4	—	25.8	44.4	—
—	—	68.3	—	14.4	—	—	19.5	9.0	—	—	M.M.	5	—	134.2	—	68.3	134.2	—
—	—	0.2	—	3.0	—	—	13.0	7.0	—	—	—	4	4.2	42.7	59.2	19.5	42.7	—
—	—	—	—	—	—	—	—	—	—	—	—	14	—	243.7	—	—	243.7	—
—	—	—	—	—	—	—	—	—	—	—	—	3	3.9	60.9	57.3	—	60.9	—
—	—	—	—	—	—	1.0	R	22.1	—	3.4	—	3	4.5	39.1	66.0	22.1	39.1	—
—	—	—	—	—	—	—	—	—	—	—	—	—	2.7	—	43.6	—	—	—
—	—	—	—	—	—	—	3.0	3.5	—	—	—	3	5.9	17.5	71.8	9.0	17.5	—
—	—	—	2.0	—	—	—	4.0	5.0	—	—	—	7	5.7	49.3	74.6	10.0	49.3	—
—	—	—	—	—	—	—	—	—	—	6.0	—	2	4.7	11.0	81.4	6.0	11.0	—
—	—	—	—	—	—	1.5	3.0	—	—	4.0	—	3	4.3	11.0	62.3	4.0	11.0	—
—	—	—	—	—	2.6	—	12.4	—	22.0	9.6	—	6	5.8	62.4	115.9	22.0	62.4	—
—	—	—	—	—	—	—	—	—	—	—	—	2	6.4	12.0	72.3	3.0	12.0	—
—	—	2.0	—	—	—	—	—	3.2	—	—	—	2	5.0	10.5	128.5	5.1	10.5	—
—	—	5.1	—	—	—	—	7.6	—	—	10.2	—	2	3.2	17.8	47.0	10.2	17.8	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	30	—	230.6	—	—	230.6	—
—	—	—	—	—	—	—	—	—	—	—	—	3	4.8	21.0	76.3	—	21.0	—
—	—	—	—	—	—	—	—	—	—	—	—	1	N.A.	—	N.A.	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	2	N.A.	5.3	N.A.	3.5	5.3	—
—	—	—	—	—	—	—	3.0	9.0	—	—	—	2	N.A.	12.0	N.A.	9.0	12.0	—
—	—	—	—	—	—	—	25.4	—	—	—	—	3	N.A.	47.3	N.A.	25.4	47.3	—
—	—	—	—	—	—	—	—	—	—	—	—	2	N.A.	292.1	N.A.	152.4	292.1	—
—	—	—	—	—	—	—	—	—	—	—	—	2	N.A.	27.0	N.A.	15.0	27.0	—
—	—	—	—	—	—	—	—	—	—	—	—	1	N.A.	34.1	N.A.	30.0	34.1	—
—	—	—	—	—	—	—	—	—	—	—	—	11	N.A.	417.8	N.A.	—	417.8	—
—	—	—	—	—	—	—	—	—	—	—	—	2	N.A.	59.7	N.A.	—	59.7	—
—	—	—	—	—	—	10.8	—	—	—	—	—	1	N.A.	10.8	N.A.	10.8	10.8	—
—	—	—	—	—	1.1	—	—	—	—	—	—	3	N.A.	34.7	N.A.	14.2	34.7	—
—	—	—	—	—	—	—	—	—	—	—	—	4	N.A.	45.5	N.A.	—	45.5	—
—	—	—	—	—	—	—	—	—	—	—	—	2	N.A.	22.7	N.A.	—	22.7	—
—	—	—	—	—	—	—	—	—	—	—	—	1	3.2	5.1	32.2	3.3	5.1	—
—	—	—	—	—	—	—	—	—	—	—	—	2	3.3	12.0	27.6	5.0	12.0	—
—	—	—	—	—	—	—	—	—	—	—	—	1	1.5	3.6	13.4	3.6	3.6	—
—	—	—	—	—	—	—	—	—	—	—	—	1	6.4	11.1	60.4	4.3	11.1	—
—	—	—	—	—	—	—	—	—	—	—	—	1	2.4	2.3	22.5	2.3	2.3	—
—	—	—	—	—	—	—	—	—	—	—	—	5	—	34.1	—	—	34.1	—
—	—	—	—	—	—	—	—	—	—	—	—	1	3.4	6.8	31.2	—	6.8	—
R	—	—	—	—	—	—	—	R	2.0	—	—	—	N.A.	3.0	N.A.	2.0	3.0	—
—	—	—	—	—	—	—	—	—	—	—	—	—	N.A.	—	N.A.	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	N.A.	—	N.A.	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	N.A.	3.0	N.A.	—	3.0	—
—	—	—	—	—	—	—	—	—	—	—	—	—	N.A.	1.5	N.A.	—	1.5	—
—	—	—	—	—	—	—	6.6	—	6.1	16.8	—	5	4.3	52.6	57.7	16.8	52.6	—
—	—	—	—	—	—	—	11.2	—	—	—	—	4	5.2	24.7	46.9	11.2	24.7	—
—	—	—	—	—	—	—	3.2	4.0	8.5	R	—	8	5.1	66.6	61.2	16.7	66.6	—
—	—	—	—	—	—	—	—	—	—	1.5	—	4	5.8	28.2	73.7	11.5	28.2	—
—	—	—	—	—	—	—	19.0	6.0	6.0	10.0	—	8	—	63.5	—	19.0	63.5	—
—	—	—	—	—	—	—	8.5	—	—	—	—	6	5.7	60.0	74.1	23.0	60.0	—
—	—	—	—	—	—	—	3.2	11.6	—	—	—	6	6.3	54.8	107.4	17.0	54.8	—
—	—	—	—	—	—	—	1.2	6.0	3.0	17.0	—	7	6.1	62.6	94.4	17.0	62.6	—
—	—	—	—	—	—	—	1.2	4.8	1.2	—	—	6	7.7	64.4	157.1	24.0	64.4	—
—	—	—	—	—	—	—	7.0	—	—	—	—	5	4.6	57.4	93.2	16.0	51.4	—
—	—	—	—	—	—	—	4.8	4.0	5.0	47.4	—	6	5.2	69.4	87.1	47.4	69.4	—
—	—	—	—	—	—	—	2.0	2.6	9.0	—	—	5	6.9	39.1	88.7	9.0	39.1	—
—	—	—	—	—	—	—	16.0	—	—	—	—	2	5.5	21.0	70.5	16.0	21.0	—
—	—	—	—	—	—	—	0.2	26.0	—	0.3	—	4	8.1	43.2	96.7	26.0	43.2	—
—	—	—	—	—	—	—	5.0	3.0	10.0	—	—	7	7.4	54.2	118.7	11.2	54.2	—
—	—	—	—	—	—	—	3.8	—	—	—	—	2	4.7	10.2	75.8	3.8	10.2	—
—	—	—	—	—	—	—	—	—	—	—	—	7	7.6	—	101.5	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	9	7.1	53.8	121.0	11.2	53.8	—
—	—	—	—	—	—	—	—	—	—	—	—	6	—	46.5	—	20.0	46.5	—
—	—	—	—	—	—	—	—	—	—	—	—	100	—	866.2	—	—	866.2	—
—	—	—	—	—	—	—	—	—	—	—	—	5	6.1	45.6	89.7	—	45.6	—

[illegible]

B. S. GAUTAM,
Director of Land Records

